United Nations A/HRC/28/NGO/85

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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03342 (E)
1503342

Please recycle

BANGLADESH: Freedom of expression, assembly, and human rights activism under serious threat

The Asian Legal Resource Centre (ALRC) brings matters related to the freedom of expression and opinion, the freedom of peaceful assembly, and the freedom of human rights activism in Bangladesh to the notice of the UN Human Rights Council. The government of Bangladesh has clamped down on these fundamental freedoms to silence dissent in the country. As a member of the Human Rights Council, Bangladesh is undermining universal human rights at home against its own people and is pretending to be a promoter of rights at international forums such as the Council.

In previous submissions, the ALRC has informed the Council that the Bangladesh government has banned three private television channels, namely: *Channel One*, *Diganta TV*, and *Islamic TV*. The government instantly shut down these TV channels. *Diganta TV* and *Islamic TV* were shut, in the early morning, 6 March 2013, for broadcasting the crackdown of law-enforcement agencies against demonstrators at Motijheel in Dhaka. The government also shut the *Daily Amardesh*, a pro-opposition national daily newspaper on 12 April 2013. The Editor of the daily Mr. Mahmudur Rahman was then detained in fabricated cases. He has been detained for 20 months now without a lawful reason, and without any fair legal redress.

On 7 January 2015, the government arbitrarily arrested Mr. Abdus Salam, Chairman of the *Ekushey Television* (*ETV*) – a private TV channel, for broadcasting the speech of an exiled opposition leader. The police stopped Salam's car in the car park of his office building early in the morning on 7th January. A police officer forcibly entered the car; sat next to the driver's seat; and forced the driver to drive the car to the Detective Branch (DB) Police Office in Dhaka.

After taking Mr. Salam in custody, without showing any lawful reason, the police claimed that he was arrested in a "pornography" case, which had been filed several months earlier. According to information received, the complainant in the case did not make any allegation against Mr. Salam. He was taken in police remand for five days. Later, the police filed another case against Salam, charging him with sedition. The police allegedly forced him to "confess" to the "sedition charge" for broadcasting the speech of opposition political leader Mr. Tareque Rahman, Senior Vice Chairman of the Bangladesh Nationalist Party who is exiled in UK for several years now. The government has forced the cable operating companies to stop broadcasting the channel. Now, ETV is only available as an Internet-based channel.

The government has also shut down a television talk show titled "Frontline" that used to appear on *Bangla Vision TV*. The participants of the talk show used to discuss the socio-economic and political affairs of the country. The government routinely communicates with private TV channels, about who should be removed from talk shows and interview rosters, and about anchors that should be included for certain programmes. In order to silence the critical voices in Bangladesh, the government uses the intelligence agencies to intimidate owners and journalists.

Besides the agencies, high-ranking political portfolios like the Prime Minister and Information Minister also crack down on dissent. For example, the Information Minister Mr. Hasanul Haque Inu invited the owners of private TV channels on 22 January. A total of five ministers instructed the television channel owners to show the "correct picture" of Bangladesh. Earlier, in 2014, the government adopted a controversial "national broadcasting policy" allegedly to curtail press freedom and freedom of expression and opinion.

On 11 February 2015, Bangladesh's Prime Minister Sheikh Hasina stated the following in Parliament: "... I have given the TV channels. There was no private TV channel in Bangladesh before 1996 until I became the Prime Minister. And now, the talk-show-speakers are sitting there to incite people against me; they incite violence in the country. Whoever is doing that the government will monitor it and will take appropriate action against them...."

Expressing views through social networking sites is also dangerous in Bangladesh. About a dozen people have been arrested in recent months for commenting critically about Prime Minister Sheikh Hasina and her son Sajib Wazed Joy on a Facebook page. People have been imprisoned and detained in prison for writing comments or in status updates on

Facebook pages. The government has also blocked communication applications like Viber, Line, Tango, and WhatsApp since 21 January 2015. The Bangladesh Telecommunications Regulatory Commission (BTRC) has claimed that the opposition was used these communications applications and that blocking them is necessary to prevent crime. The BTRC has also said that they closed down the applications following instructions from the intelligence agencies and the Ministry of Home Affairs.

As a result of the entrenched forms of repression in Bangladesh, it is difficult and dangerous for the independent press to survive. Critical voices cannot grow due to state harassments through acts of intimidation and the fabrication of sedition charges under cyber crimes legislations.

Freedom of peaceful assembly and association is virtually banned in Bangladesh. The ruling party and its allies are only allowed to hold meetings in public in the country. Since 27 December 2014, the government has been disallowing all programmes announced by the opposition. On 5 January 2015, when the opposition announced its planned meeting to mark the anniversary of the "fake" general election the police banned rallies in Dhaka.

The police, in fact, do not allow any groups who are not associated with the government to hold meetings in public anywhere in the country, despite having lifted the formal ban on such meetings on 16 January. This is happening at a time when the people of Bangladesh question the legitimacy of the current government, which did not allow the citizens to vote on 5 January 2014. The opposition is demanding fair, credible, and inclusive election for all parties immediately, to continue democratic governance in the country. However, the government, which bagged 154 seats unopposed out of 300 constituencies of the National Parliament—as all opposition parties boycotted the election last year— rejects such demands since they renewed their power.

In such circumstances, human rights defenders are at serious risk. The government has blocked all funds of Odhikar, a human rights organization based in Bangladesh, since the second half of 2013. The authorities have done so in response to Odhikar publishing reports on extrajudicial executions of demonstrators on 5 May 2013. Human rights defenders face harassment while attempt to interview the victims of torture or relatives of victims of enforced disappearance and extrajudicial execution. The law-enforcement agencies always tap the telephone and Internet communications of human rights defenders who work towards exposing the realities of life in Bangladesh.

The ALRC urges the Human Rights Council to comprehend the roots of the problem in Bangladesh, where a flawed election system has allowed undeserving parties to grab power. In the absence of credible and functional rule of law institutions, the ruling elites remain in the driving seat, manipulating every institution, including all branches of the Judiciary. The Bangladesh Judiciary and all the institutions of the State comply with the rulers to maintain and enhance their political masters' power.

The Council should create a country mandate to report back to the UN for taking further necessary steps, as required, for the protection of the lives, liberties and livelihood of the people. The Council should ascertain authentic information about the ground reality and the international community should intervene in Bangladesh before more lives and voices are lost.

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Please recycle

PAKISTAN: Government must guarantee fundamental right of freedom of religion to all

The Asian Legal Resource Centre (ALRC) wishes to bring to the attention of the UN Human Rights Council the deteriorating state of freedom of religion, belief, and faith in Pakistan. An increasing number of minority families are being forced to flee Pakistan. Minorities, especially Christians, Hindus, and Ahmadis, are being subjected to mass violence, terrorist acts, and abuse of blasphemy laws.

While fleeing Christians, Ahmadis, and even Shias have ended up in various states of South and East Asia—registering with the UNHCR in the hope of finding a home that allows them equal rights—Pakistani Hindus have been taking refuge in India. The increasing intolerance towards pluralism and interfaith harmony has seeped into the general populace and the state machinery. Fleeing Hindu minorities of Sindh, forced to migrate to India, are an example of the resultant exodus.

Officially, the Constitution and other laws and policies restrict freedom of religion. The Constitution establishes Islam as the state religion, and mandates that all laws in Pakistan have to be consistent with Islamic teaching. At the same time the Constitution also guarantees freedom to profess religious faith "subject to law, public order, and morality". This has created legal mire with regard to this freedom.

Violent extremists demand that all Pakistanis adhere to their authoritarian interpretation of Islam, with threat of dire consequences for those that don't. The Pakistani state has allowed these groups, most of which maintain armed outfits, to operate with impunity. These military factions target the moderate, educated, and enlightened Muslims who dare to speak against authoritarian interpretations of Islam; several journalist and social activists have been threatened and are now in hiding or self-exile.

While Hindus, Ahmadis, and Christians continue to suffer acute risk of violent persecution in Pakistan, the Pakistani government has itself failed to investigate and prosecute acts of violence and discrimination against members of minority groups. The government has shown nothing but contempt for the minorities that have sought asylum abroad.

Minorities continue to bear the brunt of mobs ever eager to band together and attack them on the mere rumour of blasphemy. Rising intolerance and illiteracy in society has robbed the masses of intellectual faculties to accept difference in opinion or religious belief. Mob justice is meted to anyone who dares disagree with the local *pesh imam* or feudal lord; many a times blasphemy is alleged as a tool to seek vendetta. And, blasphemy charges are hard to fight because the law does not clearly define what is blasphemous. Political parties themselves use blasphemy laws to trick the public, expand vote banks, and please religious groups. Those accused of blasphemy are often lynched and their lawyers have frequently been attacked. Judges have been threatened and attacked for dismissing cases and many of the accused face years in jail as their trials drag on.

On 29 May 2014, a prominent human rights lawyer in Multan, Rashid Rehman, representing a Professor accused of making a blasphemous Facebook post, was shot dead after prosecution lawyers threatened to kill him in front of a judge. Rashid Rehman was shot and killed in his law office because of his willingness to take on the case of an individual accused of blasphemy. The accused, an English professor, was accused of blasphemy in March 2013. Since then, the Professor has been unable to find legal representation due to the fear surrounding blasphemy, which carries the death penalty in Pakistan.

Another recent incident involves a Christian couple, Shahzad and his wife Shama, who were burned alive in a brick kiln, after being accused of blasphemy. Local media reported the couple was accused of burning a copy of the Holy Quran and throwing it in a rubbish bin. The mob set the couple on fire as a police officer watched silently.

Blasphemy laws are a part of the Islamic laws introduced by military dictator General Zia Ul Haq in the 1980s. Related constitutional provisions, which seek to "Islamise" laws, culture, and education, disseminate a certain brand of Islamic

ideology and encourage citizens to militate against diversity in Pakistan and discriminate against minorities. Blasphemy laws are now used increasingly to settle personal scores and grab property.

Societal intolerance and religious extremism has taken the already weak administrative and justice system of Pakistan as hostage. Police, lawyers, and judges are all scared.

Without recognizing the diversity of Islam, pluralism in Pakistan, and reaffirming the constitutional principle of equality for all citizens regardless of religion or sect, it will be impossible for the government to create religious and sectarian peace in the country.

However, the government is going the other way. Rather than embrace liberal voices and encouraging a level playing field for democracy, the government has co-opted the religious right, using extremists as a weapon against the opposition. A vulnerable Judiciary has not been protected and law enforcement has not been supported to combat and eliminate sectarian terror.

Socio-economic disadvantages are multiplied for minorities in Pakistan; many are denied the right to marriage and property; Pakistani law does not recognize civil Hindu marriage. As a result of the absence of Sikh and Hindu marriage registration, women, in particular, face immense challenges inheriting, purchasing, or selling property, accessing public services like health-care, and obtaining documentation such as a passport. Without bribes, obtaining land and building places of worship is impossible for minorities. On the other hand, dominant Sunni groups often build mosques and shrines, without permission of the government, sometimes on government land, without any repercussion.

Cases of custodial torture of minorities at the hands of law enforcement agencies have witnessed an upward trend. Last year, Ahmadi schoolteacher Abdul Quddoos was tortured in police custody in Chenab Nagar, Punjab; he later died in a local hospital due to injuries suffered. Police reportedly detained him as a suspect in a murder case, releasing him after allegedly torturing him.

The Ahmadi community is the most prone to being tortured and persecuted for professing their faith. The Ahmadiyya faith is, in fact, the most persecuted faith in Pakistan; Ahmadis are not allowed to call themselves Muslims, to preach, or to profess their faith. They are not allowed to use the same salutation as that of Muslims and they not allowed to name their progeny Muhammad.

Given the dire situation of minorities in Pakistan, the Asian Legal Resource Centre (ALRC) seeks the intervention of the Human Rights Council to urge the Government of Pakistan to:

1) Take active measures to ensure safety and security of minorities and ensure that the fundamental right of freedom of religion is guaranteed. It is incumbent on the state to ensure that the socio-economic state of minorities is raised at par with the rest of the populace— a duty the state presently does not seem interested in performing.

2) Take concrete steps to encourage open debate on the blasphemy law. In Pakistan, questioning blasphemy law is in itself considered an act of blasphemy; freedom of expression is currently being limited to what the orthodox clergy allows.

3) Encourage interfaith harmony and dialogue. The rise in intolerance and anti-pluralist sentiments has rendered the society incapable of questioning and critical thinking, robbing it of intellectual capabilities. The arrested intellectual development has given rise to the militancy that Pakistan is witnessing.

4) Prosecute the perpetrators of hatred and intolerance. The half-hearted measures have so far yielded no results to counter the ideology that is used to recruit terrorists. It is time the government acts to root out militancy from within Pakistan by strengthening and empowering investigation and prosecution within the criminal justice system, and not be establishing parallel systems or making supra-constitutional moves, such as establishing military courts.

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Human Rights Council
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Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by the Pasumai Thaayagam Foundation, non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

International mechanisms including ICC referral is a must for accountability and reconciliation in Sri Lanka*

United Nations Human Rights Council passed a resolution on the 26 March 2014, calling for setting up an international investigation mechanism[1] in Sri Lanka via the OHCHR. The Investigation started in June 2014 with the appointment of three distinguished Human Rights experts namely Mr. Martti Ahtisaari, Ms. Silvia Cartwright and Ms. Asma Jahangir for playing a supportive and advisory role, and to assist with independent verification throughout the investigation[2] along with a senior UN official Ms Sandra Beidas as the coordinator.

Along with many other Human Rights NGOs, Pasumai Thaayagam Foundation (Green Motherland) encouraged victims to come forward to submit statement to the OHCHR investigation on Sri Lanka (OISL). Even though the mandate fell short of a Commission of Inquiry (CoI), Pasumai Thaayagam Foundation strongly believes that the investigation will come out with a comprehensive report on violations of international human rights and humanitarian laws in respect to the conflict in Sri Lanka.

First of all Pasumai Thaayagam Foundation would like to thank the member States for passing three consecutive resolutions in promoting reconciliation and accountability in Sri Lanka. This has pushed the Sri Lankan state in a direction to address democratic deficits of Sri Lanka. Some member states believe that there is a renewed hope with the change of government in Sri Lanka. But this is just a hope, the deeds of the new government has not matched with their words yet[3]. There are serious diplomatic efforts by Sri Lanka to shelf the OISL report temporarily or indefinitely. Some of the member states are trying to compromise accountability for geo-political interests; they should not lose the moral leadership.

Pasumai Thaayagam Foundation would like to re-iterate its position on the international mechanism[4] to address accountability issues to achieve a sustainable lasting peace in the Island of Sri Lanka. So far the role of this council's actions on Sri Lanka has produced positive results and the international community should continue with the international mechanism.

International Community must not lose the sight that the ongoing political conflict is the root cause for the serious violations of human rights and crimes committed by Sri Lankan state apparatus[5]. The Panel of Experts appointed by the Secretary General Ban Ki-moon and Sri Lanka's own investigation report Lesson Learned and Reconciliation Commission (LLRC) both observed many recommendations including demilitarisation of the North and East of Sri Lanka.

Addressing land related issues, de-militarisation of the civilian land in the North and East of the island needs to be done urgently. Demilitarisation including a total disarmament, demobilisation, repatriation, reintegration and resettlement (DDRRR)[6] process needs to be implemented. But the new government has not given any positive signs on these vital issues.

The new president and the government are not willing to cooperate with the international investigation or any international mechanisms to address the accountability issues in Sri Lanka[7]. It prefers another new domestic mechanism

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[1] Resolution by UN HRC 25/... Promoting reconciliation, accountability and human rights in Sri Lanka
http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/25/L.1/Rev.1

[2] OHCHR Investigation on Sri Lanka Terms of Reference Mandate and reporting obligations
http://www.ohchr.org/EN/HRBodies/HRC/Pages/OISL.aspx

[3] C V Wigneswaran'd Tamil speech in the Northern Provincial council on 10th of February 2015

[4] Written statement* submitted by PasumaiThaayagam Foundation, to the 25th session of the HRC session.
http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/114/66/PDF/G1411466.pdf?OpenElement

[5] Wilson A Jeyaratnam, S.J.V Chelvanayakam and the Crisis of Sri Lankan Tamil Nationalism

[6] http://www.unddr.org/

[7] http://www.irinnews.org/report/101085/opening-up-sri-lanka-s-new-government-confronts-legacy-of-war

without even acknowledging the OISL's and other work of the UN. Furthermore, Sri Lanka's constitution has no provisions to investigate War Crimes, Crimes against Humanity, Genocide or mass atrocities. The constitution does not allow retrospective legislation to be passed either.[8]

Therefore, it is technically impossible to investigate the allegations of war crimes, crimes against humanity and crime of Genocide under the same international norms within the domestic process. Pasumai Thaayagam Foundation also would like to caution that multiple mechanisms of investigation both domestic and international are subjugating victims through secondary victimisation.

Secondly the new President Maithripala Sirisena and many members of the current cabinet were also part of the former government during the final phase of the war in Sri Lanka when most of the atrocities were committed. There are allegations of mass killings of civilians, indiscriminate bombings, extrajudicial killings, torture and rapes having taken place. The new President Maithripala Sirisena was the minister in charge of Defence[9] during the last two weeks of the war. Many alleged war criminals are key members of the new government[10][11]. Furthermore, the new President had command responsibility during 2009 crimes. Hence there should be no compromise on investigation of international crimes via an international independent investigation.

The current promises by the government are to silence the international community and to escape the UN pressure. Hence until accountability process and a sustainable peace is achieved the international pressure on Sri Lanka must continue.

The Tamil people in the island of Sri Lanka have lost faith in the domestic institutions. The ongoing structural genocide has been a result of complex political and economic policies of the Sri Lankan state. On 10 February 2015 the Northern Provincial Council (NPC) unanimously passed a resolution stating what happened to the Tamils in Sri Lanka is Genocide[12]. This was the lived experience of the Tamils in the island of Sri Lanka and elsewhere

The following extract from the Northern Provincial Council resolution sums up the need for an international tribunal in the island of Sri Lanka:

> "The obligation to prevent and punish genocide under the Genocide Convention is not a matter of political choice or calculation, but one of binding customary international law. This Council urges OISL to comprehensively investigate and report on the charge of genocide in its submission to the UN Human Rights Council in March 2015. The UN Security Council should refer the situation in Sri Lanka to the International Criminal Court for prosecutions based on war crimes, crimes against humanity, and genocide."13

Pasumai Thaayagam Foundation would like to highlight the member States of the plight and sufferings of the victims, who have been waiting for a long a time for justice and accountability. Only an international tribunal to investigate crimes under international law that includes war crimes, crimes against humanity and the crime of genocide in the Island of Sri Lanka can deliver sustainable peace, address impunity and non-recurrence of the crime in the future.

IC should demand for the following:

> UN Investigators and Special Rapporteurs must be given access into the island to investigate past and ongoing violations on international laws.

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[8] http://www.priu.gov.lk/Cons/1978Constitution/CONTENTS.html

[9] Daily Mirror interview Sri Lanka's sovereignty will remain intact under mehttp://www.dailymirror.lk/60193/sri-lanka-s-sovereignty-will-remain-intact-under-me

[10] http://www.tamilguardian.com/article.asp?articleid=13539 | Sri Lanka's new govt and the possibility of justice

11 Cabinet of Ministers of Sri Lanka | http://www.priu.gov.lk/Govt_Ministers/Indexministers.html

[12] Northern Provincial Council Resolution: Sri Lanka's Genocide Against Tamils http://www.jdslanka.org/images/documents/npc_resolution_on_tamil_genocide.pdf

[13] http://www.jdslanka.org/images/documents/npc_resolution_on_tamil_genocide.pdf

Sri Lankan former government's unilateral illicit ban on Tamil diaspora organisations citing UN Security Council resolution 1373 without due process must be lifted with immediate effect.

Sri Lanka should be called to sign the Rome Statute of the International Criminal Court and Sign the Declaration of Commitment to End Sexual Violence in Conflict.

Demilitarisation: It is nearly 6 years since the war ended. Normalcy needs to be brought in to the Tamil areas. Tamil women and girls are continuously being harassed by the occupying military. Sexual violence is committed with impunity. This needs to be stopped immediately.

Repeal the draconian Prevention terrorism Act that enables the government to hold innocent Tamil civilians in prison without charge for long periods of time.

The urgent humanitarian needs and the rehabilitation of the Tamil people needs to be addressed.

Pasumai Thaayagam Foundation urges the investigation team to consider the demands and facts that have been presented in the resolution unanimously passed by the Northern Provincial Council on 10 February 2015. This resolution is a reflection of the expectation of the Tamil people in Sri Lanka, and thus the UN is obliged to respect this resolution.

The UN Security Council should refer the situation in Sri Lanka to the International Criminal Court for prosecutions based on war crimes, crimes against humanity, and genocide.

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*British Tamils Forum (BTF), NGO without consultative status also shares the views expressed in this statement.

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Please recycle

ASIA PACIFIC: Action required to protect human rights defenders at risk for protecting migrants' rights*

The Asia Pacific Mission for Migrants (APMM) and the Asian Legal Resource Centre (ALRC) would like to draw the attention of the Human Rights Council to the increasing trend of harassment, intimidation, and threats on human rights defenders advocating for or protecting the rights of migrants in Asia and the Pacific.

The General Assembly Resolution (A/RES/68/181, para. 6) has "recognize the valuable work of human rights defenders" and reiterates the obligations of States to promote, respect and protect those "individually and in association with others" defending human rights without distinction of any kind. In the past two decades, the number of migrants has increased internationally making labour migration a global phenomenon. The need to ensure protection of migrant's rights also gives rise to individuals and groups advocating for protection and promotion of migrants' rights.

While the APMM and the ALRC welcome the same Resolution for States to ensure "not to criminalize or meet with limitations" activities related to the promotion and protection of rights, it is a sad reality that not many States have honoured this Resolution. Human rights defenders, who are providing services, notably to undocumented migrants, end up at risk and are vulnerable to criminal prosecution.

Protection of the rights of migrants has already been defined in various international conventions, specifically the 2003 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. As of 2014, 47 states have already signed and ratified this Convention, however, many of them are the migrant's countries of origin. While sending countries enforce policies that could protect their nationals, their nationals are subject to domestic laws of their host countries.

In the Asia and Pacific region, migrant workers continue to express a growing concern about the status of protection of their human rights in their countries of destination. In the countries of destination of migrants, one of the major concerns pertains to undocumented migrants. The transnational and cross border nature of global migration thus requires intervention to ensure protection of rights, not only of migrant workers, but also for those promoting and protecting their rights at a global scale.

Undocumented migrants are migrants without proper legal documents authorizing them to stay and work in their countries of destination. Some undocumented migrants include: 1) migrants who enter the countries of destination legally but due to difficulties lose the legal permit to stay and work; 2) migrants who enter the countries of destination without legal permission; and 3) people who are victims of human trafficking.

Many destination states perceive undocumented migrants as criminal offenders violating immigration policies and laws and enact laws to ensure punishment for arrested offenders. The APMM has received and followed up on cases of human rights abuse experienced by undocumented migrants who have been arrested and placed in immigration detention centers around Asia Pacific.

Due to their status, undocumented migrants have become vulnerable to human rights violations, especially in terms of their employment. Without a legal contract, they receive salaries lower than what is prescribed by law, have no assured protection at the workplace, are made to work more than the legally prescribed number of working hours, and denied other benefits and rights. Furthermore, they cannot access public services, such as health, legal aid, and education. It is for this reason undocumented migrants seek help from human rights defenders.

We recall that the UN Declaration on Human Rights Defenders (A/RES/53/144) has, clearly, stipulated the right to "promote and to protect all human rights and fundamental freedoms for all persons in all countries of the world". However, in the context of international migration, human rights defenders who extend support services and assistance to migrants, notably undocumented migrants, have been subject to intimidation, harassment, and criminal persecution.

In the Kingdom of Saudi Arabia (KSA), for example, non-governmental organizations and private individuals providing legal advice and counselling to undocumented migrant workers work "under the radar" for fear of criminal persecution. Human rights defenders in the KSA fear going public with assistance to undocumented migrants, as governments of both countries of origin and destination may collaborate to crack down on undocumented migrants. Take, for example, the case of undocumented migrant Filipinos in the tent city of Riyadh who were arrested by Saudi police upon the request of the Philippine Embassy there.

Trade unions in some countries of destination have also faced threats from the state for including undocumented migrant workers in their roster. For instance, on many occasions, the South Korean government has launched massive crackdowns on undocumented migrants in Seoul, arresting, detaining, and eventually deporting them. Some members and leaders of migrant organizations and trade unions have reported being tailed by immigration police everywhere – at the workplace or in public areas – during this state-supported operation.

Publication and exposition of problems related to immigration and the rights of migrant workers are deemed criminal. Such was the predicament faced by the late Dr. Irene Fernandez, former director of TENAGANITA, an institution providing support to migrants (including workers, asylum seekers, refugees) in Malaysia. In 1996, Dr. Fernandez was charged by the Malaysian government for violating the Printing Presses and Publications Act upon the release of a report alleging ill-treatment of undocumented migrant workers in detention centres all around Malaysia. She was found guilty in 2003 but was acquitted five years later after she appealed to the High Court.

To provide services to undocumented migrants has been equated to the harbouring of criminals. Refuge centres or shelters for migrants in many countries of destination are usually run by government institutions or government-approved NGOs. For fear of arrest, undocumented migrants do not go to these shelters or centres but to other groups like church institutions, organizations, and even individual workers. Unfortunately, police conduct raids in these homes, arresting not only the undocumented migrants, but also owners of these homes for harbouring undocumented migrants. Also, church institutions and NGOs have experienced having immigration police cars parked or individuals in civilian clothes suspected to be immigration police hovering around near their offices.

We take note the Report of the Special Rapporteur on the situation of human rights defenders (A/HRC/28/63, para. 60, 64) that "States have primary responsibility for protecting human rights defenders" and "above all, to protect defenders by such means as adoption of legislative or regulatory measures aimed at their protection." Human rights defenders providing services to migrant workers, regardless of their condition of stay, should be allowed to operate without being subject to persecution.

The APMM and ALRC urge the States that, in the process of implementation of immigration policies, there must be a clear distinction between those they allege to have committed violation to immigration laws and those who are providing basic humanitarian and legal services to undocumented migrant workers. Human rights defenders must not be forced to discriminate in providing services to migrants. The APMM and ALRC are deeply concerned about the growing trend of harassment, intimidation, and other related problems arising from their role to promote and protect migrants' rights.

We urge the Human Rights Council to pay attention to this phenomenon. The HRC, through the Special Rapporteur on Human Rights Defenders, should look into situations of human rights defenders in countries of destination that have

existing policies criminalizing undocumented migrants and previous record in arrest, detention, and deportation of undocumented migrants.

We urge the governments of the countries of destination to ensure and strengthen protection for human rights defenders who provide support to and promote the rights and welfare of migrants.

Lastly, we urge the governments of the countries of destination to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a step towards uplifting the lives of migrants everywhere.

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*Asia Pacific Mission for Migrants, NGO without consultative status also shares the views expressed in this statement.

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Agenda item 5
Human rights bodies and mechanisms

Written statement* submitted by the Association for Defending Victims of Terrorism, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

International Criteria: Challenges and Strategies

Spread of terrorism continues to threaten humanity, international security and the relations between states world over. It also profoundly affects the mandate and functions of the respective international institutions that are responsible for protecting and maintaining international peace and security. Accordingly, the fight against terrorism and defending victims of this heinous phenomenon, as a capital challenge, is expected to rightly remain at the heart of the issues to be addressed by international institutions and UN member states.

The continued spread of brutal terrorism that is deeply rooted in the vicious circle of ignorance, hatred and intolerance tends to gravely violate the foundation of the international law and particularly the basic human rights, namely the right to life. Reverting this most heinous circle calls for an international will for collective and concerted action.

Being cognizant and while welcoming the adoption of resolutions against terrorism by the United Nations bodies such as the UN Security Council resolution 1373 (2001), resolution 1535 (2004), International Convention for the Suppression of the Financing of Terrorism (1999), we wish to underscore the following to further improve the efficiency of the relevant international documents :

Due to complex and confounding aspects of the terrorist groups activities and the existing ambiguities and incongruities in definitions , concepts and instances of terrorism in the international instruments , that could potentially lead to adoption of erroneous and /or selective approaches , we call on the United Nations to establish a Working Group of legal experts to review and evaluate the adequacy of the provisions of the related conventions and resolutions on the fight against terrorism and the protection of victims of terrorism .We also reiterated the need for due implementation of the UN conventions and resolutions on fighting against terrorism, including the criminalization in the contexts of the international documents.

For the proper implementation of the provisions of UN Security Council Resolution 1373, we furthermore call on the UN Secretary-General to delegate Counter-Terrorism Committee (CTC) or any other office in charge of fighting terrorism to provide appropriate technical assistance including holding workshop in the member states to assist for an all out and effective international campaign against terrorism . The assistance program, among other things, may also focus on the following items:

a- Identifying channels of illegal funding for terrorist acts by people and or illegal or ill informed groups and how to suppress or ban it

b- Determining the mechanism for blocking financial support of terrorist activities which is beyond national jurisdiction of the victim state.

United Nations A/HRC/28/NGO/90

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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Federation of Western Thrace Turks in Europe, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03358 (E)
1503358

Please recycle

The Status of Turkish Minority of Western Thrace in Education and Governmental Practices in Greece

The status and the rights of the Turkish Minority of Western Thrace are established by the Treaty of Lausanne in 1923. Turkish Minority of Western Thrace has an equal right with the non-Muslim minority in Turkey to establish, manage and control at their own expense, any charitable, religious and social institution, any school and other establishment for instruction and education, with the right to use their own language and to exercise their own religion freely therein. The autonomy in education has been undermined through a number of regulations and practices in years and this caused a low-qualified education in minority schools with structural problems regarding training of teachers, the curriculum and textbooks.

During fact-finding mission in 2012 with the participation of Hans Heinrich Hansen, President of Federal Union of European Nationalities (FUEN), former MEP François Alfonsi (France) and Willy Fautre, Director of Human Rights Without Frontiers Int'l, the delegation found that the problems in the field of education are alarming. The rapporteur Willy Fautre noted that state intervention on minority issues to such an extent that in practice, the Greek Government has through the Ministry of Education and Religious Affairs wide-ranging control over the minority schools at all levels, whether it concerns the composition and the functioning of the school boards, hiring and firing of teachers, distribution of textbooks or building and repair of school buildings.[1]

On 27 November 2014, the new Law for "Research, Technological Development and Innovation and other Provisions" was approved by the Greek Parliament. Law 4310/2014 introduces reforms and changes in administrative organizations, in issues related to teaching staff at minority schools, issues related to the functioning and scientific-pedagogical support of the minority schools, establishment of a teachers school under Democritus University of Thrace and appointment and hiring of educators to primary minority schools. Law 4310/2014 was prepared with no prior consultation and/or dialogue with the Turkish minority. During vote in the Greek Parliament, minority deputies reacted against it and criticized the Greek government did not have consultations with members of the Turkish Minority. Tough, Independent Greeks and far-right Golden Dawn party supported it.

Through new law, Minority Primary and Secondary Schools Coordinator is repealed and the Office of Minority Education is established and is included in the State Education Department of Eastern Macedonia-Thrace. Furthermore, the Council of Minority Education Registry is repealed and its powers and authorities will be conducted by State Registration Board. Relevant State registration boards will perform authority in any cases related to minority education and its administrative staff for each type of business and its relationship. ABTTF would like to stress that these would not solve current problems but extend state control over minority education.

Through Law 4310/2014, a new Department of Minority P.ogramme Teacher School which will be included in Department of Pedagogy in Democritus University of Thrace starting

[1] For the full report, please visit https://www.abttf.org/images/22_Raporlar/2012-1128-Report-Ethnic-Turks_pdf

from the academic year 2015-2016 will be established. The Department of Minority Programme Teacher School will give a graduate diploma to the Minority members who have a four year undergraduate education and the right to education in this department will only belong to those Minority members who are graduated from domestic elementary pedagogic departments in Greece. ABTTF would like to stress that the right to education in that department should not be limited to only those who are graduated from pedagogic departments in Greece. Minority members, who are graduated from other universities in Europe and other countries and received diploma equivalence in Greece, should have the right to enter that department. Furthermore, one-year education after graduation of four-year undergraduate education will not be enough for a high quality education in Turkish curriculum at minority schools. ABTTF recommends the establishment of a department of Turkish Literature and Language in Democritus University of Thrace for educators who will teach in Turkish curriculum at minority schools.

The law notes under 694/1977 only members of the Minority are allowed to serve in minority programme in Turkish curriculum at primary minority schools. Through Law 4310/2014 that Minority members are not allowed to teach in Greek curriculum at minority schools. Minority members, who are graduated from Greek faculties of education and teach in the Greek curriculum at minority schools, reacted against that on the ground this is a violation of the principle of equality enshrined in the Greek constitution. Furthermore, ABTTF would like to stress that there is no "Turkish" word in the text of the law while mentioning the curriculum in minority schools, which is Turkish. The word "minority programme" is used to define Turkish curriculum, while the word "Greek programme" is used for Greek curriculum in minority schools. We would like to remind that Greece does not subscribe to the right of Turkish minority to self-identification as "Turkish" on a collective basis and the right of assembly or association for minority associations which include the word "Turkish".

Through new law, two school counselors' staff, i.e. "Counselors for Minority Programme" who will make scientific and pedagogical guidance for teaching staff at primary and secondary minority schools in the Turkish curriculum is created. With the Ministerial Decision of the Ministry of Education and Religion(Protocol Number Φ.821/3451Π/213235/H2), Mehmet Derdiman for the regional unit of Rodopi and Evros, Nizam Ahmet for the regional unit of Xanthi have been appointed as school counselors for the Minority Programme at primary school education. Thus two minority schools counselors are appointed for the newly established "Minority Programme", while school counselors are in practice since 1985 at Greek programme. The Ministerial Decision notes that their appointments may not be less than four years and in any case expire automatically with the appointment and installation of school counselors' minority education in primary and secondary education program will be selected in the first after four years of a notice of Article 18 of N.3848 / 2010. Furthermore a school counselor staff is created for educators who teach Islamic religion instruction at Muslim madrasas, minority secondary and high school and the Religion Teachers at state schools under Article 53 of Law 4115/2013. ABTTF would like to remind that Law 4115/2013 on the status of Muslim preachers in Western Thrace which created two hundred forty (240) positions of religious officers of the Islamic religion (Quran teachers) with the task of teaching Quran in the mosques and public schools of primary and secondary education in Western Thrace received reaction and disapproval on the ground that this law would further allow the government to expand its control over religion in public schools in the region and would violate the self-governing structure of the Minority in the field of religion.

ABTTF admits that the quality of education in minority primary schools falls far below Greek public schools and teaching standards are allegedly poor. Through this law Greek

government aims to re-new building infrastructure and equipment, and modernize the institutional framework. But, Law 4310/2014, which is prepared with no dialogue with members and representatives of the Minority, will not be enough to solve current problems in minority education.

ABTTF regrets that a commonly stated problem of the absence of bilingual minority kindergartens mentioned in the report[2] of the former UN Independent Expert on Minority Issues Gay McDougall in 2008 and in the report of the Human Rights Without Frontiers International in 2012 is not included in Law 4310/2014, though a series of significant changes have been introduced. Through Law 3518/2006 the pre-school education for all children at the age of 5 has been made compulsory, and minority children are obliged to attend state kindergartens where the language of education is only in Greek. This contradicts with the principle of educational autonomy enshrined in the Lausanne Treaty. Furthermore, this violates the Treaty on the Functioning of the European Union and EU Charter of Fundamental Rights and the Council of Europe's Framework Convention for the Protection of National Minorities, which Greece signed but not ratified yet. The former UN Independent Expert on Minority Issues Gay McDougall recommended in her country visit report on Greece in 2008 bilingual kindergartens would allow better knowledge of both Turkish and Greek from an early stage therefore providing benefits in terms of integration, and enabling greater choice of whether to go minority of Greek public primary school.

We urge Government of Greece:

- To respect its obligations under the Treaty of Lausanne and take measures in order to restore the autonomous structure in the field of education. Greece should respect, protect and promote the rights enshrined in the Lausanne Treaty and act in full compliance with the provisions of the Treaty and the core international human rights treaties of which Greece is a party.

- To repeal or amend relevant legislation in consultation and dialogue with representatives of the Turkish Minority,

- To establish a mechanism for dialogue between governmental authorities and the Turkish Minority of Western Thrace in the form of advisory or consultative bodies that will be the channel for the Minority to raise its own voice.

[2] For the full report A/HRC/10/11/Add.3, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/111/98/PDF/G0911198.pdf?OpenElement

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Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the France Libertes : Fondation Danielle Mitterrand, American Association of Jurists, Cultural Survival, Emmaus International Association, Stichting Forest Peoples Programme, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03435
1503435

Please recycle

The right to water in Peru and the criminalization of protest: human rights are not respected when facing the mining industry*

In Peru, in violation of the international instruments on human rights that Peru is party to, the government does not protect the right of populations living near legal or illegal mining projects. The Cajamarca region is particularly vulnerable since it is the fourth region of Peru with mining concessions, which occupy 40,2% of its territory.

Violation of the right to drinking water and to sanitation

The Universal declaration of human rights recognizes the right to drinking water in its Article 25.1 on the right to health and food. Resolution A/RES/64/292 adopted by the United Nations General Assembly, recognizes the right to drinking water and sanitation for all as a fundamental right, as does resolution A/HRC/RES/15/9 adopted by the Human Rights Council. The Committee on Economic, Social and Cultural Rights (§ 63-A/HRC/WG.6/14/PER/2) has expressed its concerns about the effects of the extractive industry on the rights to health and drinking water.

However, the right to drinking water and to sanitation is far from being a reality in Peru, since it is affected by the mining industry. For instance, in the district of Hualgayoc the Gold Fields mining operations damage the water supply by monopolizing the water for its activities and by polluting them with heavy metals. Furthermore, mining explosions have caused cracks in local houses[1]. Open pit mining is particularly worrying. It endangers and contaminates aquifers with toxic chemicals and heavy metals, degrading water-renewal zones and damaging the environment. For instance, on 17th February 2011, the Yanacocha EIRL mining operations led to the bursting of a pipeline carrying acidic waste. It caused acid, cyanide and heavy metal pollution of the Encajon valley that provides water to the SEDACAJ water treatment plant[2] and the Quishuar irrigation channel.

This pollution causes disease within the local population. Cajamarca is one of the most affected Peruvian regions for stomach cancer. This problem is publicly simply attributed to a poor diet, without any study having been carried out on the impact of water pollution.[3] Many mining projects threaten the right to drinking water because they are situated in the basin headwaters[4]. When mining uses water for the lixiviation process, it pollutes the water and the groundwater that flows into rivers and water basins. Underground water, lakes and spring disappear or are deviated. For instance, the Yanacocha and San José lakes have disappeared. The aquifer never returns to its natural state.

The government does not respect the municipal conservation zones either. For instance, in Baños del Inca district, Cajamarca province, the firm Yanacocha does not respect the town council order n° 051-2006 that creates the municipal conservation zone around the micro watersheds of various rivers of the area and that protects the Shaccsha aquifer. Yanacocha lodged a complaint against the town council in order to carry out its mining operations in the area[5].

Violation of the right to free, prior and informed consent

The ILO Convention N°169, ratified by Peru in 1994, recognizes in its article 6 the right of indigenous peoples to free, prior and informed consent on matters concerning them. But the Peruvian law and reality are not in line with this right. In September 2011, the government approved a law on prior consultation. Decree DS 001-2012-MC establishes that this right to prior consultation is to be applied only after the date of publication of the regulation and also states that projects considered to be in the national interest should be carried out anyway[6]. Furthermore, peasant communities are neither

[1] http://www.noticiasser.pe/13/03/2013/informe/mineria-y-desabastecimiento-de-agua-en-hualgayoc
[2] Public water enterprise in Cajamarca : http://www.sedacaj.com.pe/
[3] http://www.dge.gob.pe/portal/docs/asis_cancer.pdf
[4] See the Conga project situated between Celendin and Bambamarca.
[5] https://celendinlibre.wordpress.com/tag/banos-del-inca/
[6] There have never been prior consultation before

recognized nor counted in the Indigenous population database which have a right to consultation[7] According to the approved regulation, indigenous communities are those that should be consulted. As a consequence, many mining projects are exempt from any consultation!

This situation leads to an increase in the number of conflicts in Cajamarca. Mining activities are involved in 69,6% of the social conflicts in Peru[8]. Populations repeatedly refuse mining projects for fear of water pollution, appropriation and destruction of farming land and virgin territories[9]. Despite this, the Ollanta Humala government has issued a series of measures through Supreme Decree No. 054-2013-PCM, stating that investment in the mining sector must be accelerated and facilitated and declaring it of national interest. In January 2015, the Energy and Mine Ministry issued the DS 001-2015-EM[10] threatening the constitutionality of peasant communities by disregarding the general assembly of the community, which up until now was the authority able to decide on use of community land.

Violation of the right of peaceful assembly and criminalization of protest

The non-consultation of local populations threatens their capacity to defend their rights. The rising number of conflicts has caused many deaths and injuries and has lead to hundreds of allegations. Peaceful protest is being criminalized[11][12]. In Celendin, where the population denounces the Chadin 2 megaproject[13], the *ronderos* (peasant patrolmen) of the area have been persecuted because they are the active forces of resistance against mining projects. The officer in charge of environmental affairs of the Presidency of the Council of Ministers, Vladimiro Huaroc, on 13th January 2014 stated in the newspaper La República that "we must restore order in Cajamarca because the rondas campesinas are in collusion with drug trafficking". This declaration represented a violation of the rights to freedom of expression and of association, as in articles 19 and 21 of the International Pact of civil and politic rights, ratified by Peru in 1978.

This atmosphere brings violence. In violation of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, on January 12th 2014 the government issued Law 30151 that exempts the police and armed forces from criminal responsibility if ,whilst performing their duties, they cause injuries or death using their weapons or by any other means. This law constitutes a blank check for impunity for law enforcement officers.

We call on the Human Rights Council to demand that the Peruvian State:

- Respect the fundamental economic, social and cultural rights of indigenous people, including their right to drinking water and sanitation;
- Respect the fundamental civil and political rights of peasant communities, including the right to assemble peacefully, their freedom of opinion and expression;
- End the criminalization of protest and the military and police intervention;
- Limit the use of force against peaceful demonstrations.

Our organizations appeal to:

- the Special Rapporteur on the rights of indigenous peoples,

[7] http://www.defensoria.gob.pe/grupos-eatencion.php?des=20

[8] For instance in the district San José de Lourdes, province San Ignacio, the Supayacu indiginous community Supayacu and parts of the Naranjos community refuse the activities of Exploraciones Mineras Aguila Dorada S.A.C.

[9] http://www.cooperaccion.org.pe/OCM/XIV_OCM_2014-07-15.pdf

[10] http://www.conflictosmineros.net/contenidos/19-peru/17403-continuan-los-cambio-en-los-procedimientos-mineros-desregulacion-o-simplificacion-administrativa

[11] See details in the prior declarations. The name of the murdered are: Joselito Vásquez Jambo, José Eleuterio García Rojas, José Faustino Silva Sánchez, César Medina Aguilar (16 years old), José Antonio Sánchez Huamán

[12] https://celendinlibre.wordpress.com/2014/05/13/documento-completo-peru-documento-emitido-por-la-cidh-medida-cautelar-caso-conga/

[13] Chadin 2 is a hydroelectric dam project over the Marañón river of the enterprise AC Energia SA with brasilian capital of the Odebrecht enterprise, that will cover 32km² of the high Amazon area and farmland.

- the Independent Expert on human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment,
- the Special Rapporteur on the human right to safe drinking water and sanitation, ,
- the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,
- the Special Rapporteur on the right to freedom of peaceful assembly and association,
- the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
- and the Special Rapporteur on human rights defenders,

to direct their attention to the serious and persistent violations suffered by indigenous and peasant communities in Peru.

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*El Frente de Defensa de la provincia de San Marcos ; el Frente de Defensa de la provincia de Cajamarca ; el Frente de Defensa del Valle de Condebamba ; el Frente de Defensa de la provincia de Chota ; el Frente de Defensa de la provincia de San Pablo ; el Frente de Defensa de los Intereses de la Provincia Hualgayoc-Bambamarca ; el Frente de Defensa del rio Marañon y Alta Amazonía Celendin, NGOs without consultative status, also share the views expressed in this statement.

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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Association for Defending Victims of Terrorism, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03362 (E)

1503362

Please recycle

Victims of terrorism; a perspective the protective measures aspects

Terrorism is a vicious phenomenon whose blind and blatant expansion gravely violates human rights and greatly threatens international security and peace. To help confront and harness the spread of terrorism around the globe and to defend and support the victims of terrorism globally, the Association for Defending the Victims of Terrorism proposes the following:

1- We request the United Nations to urge Member States to promote cooperation among themselves through regional and / subregional arrangements in order to support victims of terrorism and to promote the campaign against terrorism.

2- We invite organizations and NGOs that advocate the rights of the victims of terrorism to strengthen their cooperation through effective and synergetic networking.

3- We request UN Secretary-General Mission Special Rapporteur on counter-terrorism to organize an Advisory Committee comprising of the Jurists of the Member States to constantly analyze the process of criminalization of various forms of terrorism in international documents and report their findings to the Secretary-General to provide for an international data bank on the subject.

4- We also request Secretary General to require the United Nations offices in the states to pursue the following measures in order to protect the rights of victims of terrorism in the members' state countries:

a- Identify victims of terrorism by the assistance of the non-governmental organizations that defend the rights of victims of terrorism.

b- To adopt necessary measures for the due compensation of the victims of terrorism and their descendants.

c- To provide for the due participation of the victims of terrorism in the respective international assemblies and to give them the chance to discuss their agonies and difficulties.

d-To grant scholarships on the terrorism related subjects to the eligible and talented survivors of terrorism and /or their decedents.

5- Finally, we request regional and international assemblies that address terrorism and defend the rights of the victims of terrorism internationally to constantly evaluate and review international conventions so as to streamline and synergize their functions and activities world over.

United Nations A/HRC/28/NGO/93

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Human Rights Council
Twenty-eighth session
Agenda item 7
Human rights situation in Palestine and other Occupied Arab territories

Written statement* submitted by the BADIL Resource Center for Palestinian Residency and Refugee Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03524 (E)
1503524

Please recycle

The need to support the State of Palestine's accession to the International Criminal Court

1. The BADIL Resource Center for Palestinian Residency and Refugee Rights, in collaboration with the undersigned members of Palestinian Human Rights Organizations Council (PHROC), fully supports both the accession of the government of the State of Palestine to the Rome Statute, and the acceptance by the International Criminal Court (ICC) to exercise its jurisdiction over serious crimes committed in the occupied Palestinian territory (oPt), including East Jerusalem, since June 13, 2014.

2. By adhering to the Rome Statute the Palestinian government affords the ICC jurisdiction to investigate and prosecute individuals responsible for committing serious crimes that impact upon the international community as a whole, e.g. crimes against humanity, war crimes and genocide.[1]

3. Evidence collected by international and Palestinian Non-Governmental Organizations suggest that a wide range of international crimes have been committed by Israel inside the oPt during the aforementioned period. In the summer of 2014 at least 2,215 Palestinians were killed,[2] 108,000 Palestinians had their homes either destroyed or severely damaged, and the already crippled civilian infrastructure of this besieged Gaza strip suffered further extensive damage as a result of the Israeli military operation 'Protective Edge'. At the peak of the assault, 520,000[3] Palestinians were internally displaced inside the Gaza Strip, accounting for 34 per cent of its total population. In the West Bank and East Jerusalem, Israel continues its systematic practices of land appropriation and settlement expansion, which in turn contribute to a wider policy of forcible transfer of the resident Palestinian population.[4]This policy is reflected in the historical suffering of Palestinians, dating back to the Nakba of 1948, and which has produced a Palestinian refugee population today of some 7.4 million.[5]

4. As stated in the Preamble of the Rome Statute:

> "[The most serious crimes of concern to the international community as a whole must not go unpunished and [...] their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation.

This is necessary so as:

[T]o put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes."[6]

Accordingly, those criminal acts perpetrated by Israel which have produced such vast displacement and human suffering must be addressed by the international community as a matter of great urgency. Palestinian membership of the

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[1] Rome Statute of the International Criminal Court, 1998 (hereafter '*the Rome Statute*') Art.5

[2] This figure includes 556 children, and 293 women, and is derived from the collective database of four PHROC members: Al Mezan Center for Human Rights, PCHR, Al–Haq and Al Dameer

[3] OCHA, 05/08/2014. *Occupied Palestinian Territory: Gaza Emergency. Humanitarian Snapshot*. Available at: http://www.ochaopt.org/documents/humanitarian_snapshot_5_%20august%202014_opt.pdf

[4] BADIL, 2014. *A Series of Working Papers. Forced Population Transfer: The Case of Palestine*.

[5] BADIL, 2012. *Survey of Palestinian Refugees and Internally Displaced Persons 2010-2012*. Available at: http://www badil.org/en/press-releases/142-2012/3638-press-eng-53

[6] Preamble of *the Rome Statute*

ICC is an important step towards this goal; ensuring accountability for those individuals responsible for such acts, and of securing justice for their victims.

5. This is true for all parties, with the ICC possessing the ability to investigate and prosecute all crimes committed inside the oPt.[7] Thus the Palestinian Government has demonstrated its full commitment to abide by international law. Accordingly, such a step should be welcomed by all who wish to protect and promote the relevance of international law.

6. Palestinian accession to the ICC also constitutes desperately-sought progress in the ongoing quest of Palestinians seeking international recognition and justice through the application of a rights-based approach. After more than 20 years of failing to reach a fair, just and durable solution through peace negotiations conducted at the political level, Palestinian membership of the ICC – and the pursuit of universal justice - should not be considered an obstruction in the path towards peace, but rather an essential component in its realization. Indeed, the promotion of peace lies at the very heart of the ICC's purpose.[8]

7. To the contrary, where International Humanitarian Law and International Human Rights Law have been violated on a large scale and an effective judicial remedy is not available for the victims of these atrocities, neither on a national nor on an international level, this represents a direct threat to peace. Furthermore, it also critically undermines the credibility of international law and its mechanisms. Respect and protection of international law can only be guaranteed if access to effective justice is secured.

8. Yet, access to justice for Palestinians is being strongly impeded and condemned by the governments of Israel and the United States, neither of which has itself ratified the Rome Statute. This condemnation stems from the claim that Palestinian accession to the ICC will harm the Israeli-Palestinian peace negotiations; negotiations which have demonstrably failed, and which have done little to stem the multitude of rights abuses perpetrated by Israel against Palestinians inside the oPt.

9. Israel has even gone so far as freezing the Palestinian Authority's tax revenues, which it collects on the Palestinians' behalf, whilst the US has threatened to cut aid to the Palestinian Authority. These attempted impediments – conducted through means of collective punishment – not only risk serious violations of international law going unpunished, but also undermine the exercise by the Palestinian people of those rights and obligations afforded to them under international law.

10. It should also be noted that the ICC functions according to the principle of complementarity.[9] This means that national jurisdictions have the primary responsibility to investigate and prosecute serious crimes. Only if a "*State is unwilling or unable genuinely to carry out the investigation or prosecution*"[10] can the ICC intervene. As such, Palestine's accession to the ICC should be viewed as an opportunity for both Palestine and Israel to review their own internal investigative functions, and to take ownership of allegations of serious violations of International Humanitarian Lawand International Human Rights Law committed by their respective forces. Both of these outcomes clearly promote state sovereignty, individual accountability and the relevance of the rule of law.

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[7] *The Rome Statute*, Art.12

[8] W.A. Schabas, *The International Criminal Court. A Commentary on the Rome Statute*. Oxford University Press, 2010, 42.

11. Therefore it is of the utmost importance that the international community supports and encourages all steps made by the Palestinian Government to hold to account all those responsible for the perpetration of international crimes, and to pursue a fair, just and durable solution to the Israel-Palestine question through the mechanisms of international law, rather than through political bargaining. Such a rights-based approach is desperately required for both the sake of a long-suffering Palestinian population, and the relevance of international law.

12. Accordingly, we, the undersigned, call for:

    i. Wide and concerted international support for the accession of Palestine to the ICC;
    ii. Wide and concerted support for the ICC prosecutor's preliminary investigation from the international community by way of professional collaboration of States and other UN agencies with the ICC;
    iii. The international community to condemn all punitive measures directed at the Palestinian government as a result of its accession to the ICC, and to similarly condemn any measures intended to obstruct the work of the ICC;

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Human Rights Council
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Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Pasumai Thaayagam Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

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GE.15-03364 (E)

1503364

Please recycle

Sexual and Reproductive Rights violations of Tamil Women in the Island of Sri Lanka*

"The right to sexual and reproductive health implies that people are able to enjoy a mutually satisfying and safe relationship, free from coercion or violence and without fear of infection or pregnancy, and that they are able to regulate their fertility without adverse or dangerous consequences. It is based on twelve rights that are grounded in core international human rights instrument."1

Women in the North and East of the island of Sri Lanka have been uniquely targeted to all forms of violence and violations during and after the Sri Lankan armed conflict as an instrument of genocide. One such violation conducted by the Sri Lankan government is forced, cohesive or involuntary administration of birth control programme.2 This report is a documentation of primary and secondary data gathered about incidences that took place in the post - conflict setting.

1. Documentation of forced contraceptive programme across Tamil dominated region in the Island of Sri Lanka

Incident 1: Ministry of Health Kopay (Jaffna, Northern Province, Sri Lanka)

Tamil women were given involuntary contraceptive implants. Witnesses trying to prevent this were harassed by security forces and health officials. In some cases weapons and administrative powers were used as a form of intimidation.

Incident 2: Ministry of Health Poonakary (Kilinochchi, Northern Province, Sri Lanka)

On August 31, 2013 women from Veravil, Keranchi and Valipaddu of the Kilinochchi region were coerced into taking the sub-dermal contraceptive implant, Jadelle, by government health workers. (Kilinochchi is a Tamil region). The incident took place at Veravil government divisional hospital, Kilinochchi.

Women who attended this clinic were between 15 – 45 years of age and were asked to attend it under false pretence. The day before this incident took place, hospital staff and volunteers attached to Veravil divisional hospital informed these local Tamil women residing in the three villages that any women with a child under the age of five should come to the hospital the following day to attend a nutritional clinic.3 On arrival government health officials coerced Tamil women into accepting the contraceptive implant, and thereby violating women's right to make informed choice about her reproductive autonomy.

Incident 3: Ministry of Health Point Pedro (Northern Province)

A Tamil woman whose husband is living in abroad was forced to take the contraception implant Jadelle, which was inserted under the skin of her upper arm.

Incident 4: The death of Manjula Satheeshkumar

On the 28th November , 2013 a pregnant mother from Malaiyalapuram in Kilinochchi district died at Jaffna teaching hospital. She was 17 weeks pregnant at the time of her death. The deceased Mrs Satheeshkumar was twenty six years of age, and was married with a 2 year old boy. Mrs Satheeshkumar was one of the victims who were forcefully given the contraceptive implant Jadelle. After receiving the implant, Mrs Satheeshkumar was suffering from severe abdominal pain. Her husband, Mr R. Satheeshkumar decided to take her to the hospital in Kilinochchi. The hospital ran some tests and informed her that she was pregnant. Although her implant was removed, she died of a fatal infection as a direct result of this enforced contraception.

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[1] http://www.unfpa.org/sites/default/files/pub-pdf/Final_UNFPA-UPR-ASSESSMENT_270814..pdf
[2] http://apps.who.int/iris/bitstream/10665/112848/1/9789241507325_eng.pdf?ua=1
[3] Above the law – a report by TSA http://cl.ly/3q313m1H3524

Her father,Chinnasamy Rajaratnam, a key witness who questioned the authorities about the death of Manjula was subjected to repeated harassment by Sri Lankan military. He was eventually found dead on an electric wire. The locals believe that his death was linked to Manjula's death and his pursuit of truth and justice for his daughter's death.4

Incident 5: Forced sterilization of Tamil plantation workers in Central Sri Lanka

The Sri Lankan government has also systematically targeted Tamils living in Central Sri Lanka. There are about 800,000 Tamil plantation workers who are descendents of those who had migrated in 18-19th century from South India, during the British Colonial Era. According to the Home for Human Rights (HHR), more than 80 % of Tamil women in central Sri Lanka were offered a lump sum payment of usually 500 rupees to undergo surgical sterilization.5 Though this is seemingly a small amount of money, the sum is large for these extremely poor plantation workers. Since 1996, the population of this central Hill Tamil population has dropped annually by 5%, whereas the population of the country overall has grown by 14%. HHR said : ' This systematic pattern of authority-sanctioned coerced sterilizations may amount to an intentional destruction of the Tamil estate population.'6

Tamil women were given little or no information about post and pre-implant care.

Tamil women who were subject to receive the implant reported that they weren't given enough information about the implant or some didn't even know what was happening. These women weren't even given the chance to discuss this matter with their spouse. This has caused problems between couples. Women who refused treatment were told by the health workers that they will be refused further medical treatment at the hospital.

Anne Morse, Population Research Institute (PRI), remarked that, "Local health officials are belatedly trying to cover up their crimes. They are coercively and retroactively forcing already sterilized Tamil women to sign affidavits. Such affidavits should not convince anyone that these 'birth control experiments' are anything other than genocide. Far from convincing, false affidavits of consent instead add insult to injury by suggesting that the dead women voluntarily submitted themselves to the procedure."7

Overall comparison against national birth control rate

The end of Sri Lankan civil war in 2009 has undeniably sparked a new era of Sinhala Buddhist ethno-nationalism, giving much attention to Sinhala women who are viewed as 'biological producers of the nation'.8 Since Mahinda Rajapaska came to power in 2005, drastic measures have been taken to promote population growth within the Sinhala community, including closure of all abortion clinics, banning irreversible family planning methods and prohibiting non-governmental organisations from providing family planning services.

A group of Buddhist monks have devised a scheme to reward any Buddhist families with more than five children. The government also introduced a similar scheme in 2013, where police and army officers (99.9% Sinhalese) were incentivised to have a third child and were awarded 100,000 rupees from tax payers' money. This contrasting birth control approach between Tamil and Sinhala families by the state and the Budddist clergy are clear indicators of intent on genocide.

Further, statistical data obtained from the official website of the Northern Province of the Island of Sri Lanka, shows an alarming rise in the 'number of current users of modern methods of family planning' in Kilinochchi between 2012 and 2013. In 2012, the number of eligible couples in Kilinochchi was 19,129, from which only 862 were using modern methods of family planning. Whereas in 2013, the number of eligible couples was 19,484, and 12,388 were using

[4] http://pop.org/content/genocide-sri-lanka-continues
[5] http://www.tamilguardian.com/article.asp?articleid=12873
[6] http://blog.srilankacampaign.org/search/label/Central%20Hill%20Tamils
[7] http://pop.org/content/genocide-sri-lanka-continues
[8] https://www.opendemocracy.net/5050/chulani-kodikara/state-racism-and-sexism-in-postwar-sri-lanka

modern family planning methods, a staggering 59% within 1 year. 9 10 This points to an aggressive implementation of birth control in the Tamil region by the Sri Lankan state.

During the period in which the government simultaneously promoted population expansion amongst the Sinhala people while imposing involuntary family planning methods within the Tamil community, the current President Maithiripala Sirisena was the Minister of Health. Although the international community has welcomed his victory in the January 2015 election, it is important to recognise that he might have played a lead role in infringing the rights of Tamils in the Island of Sri Lanka. Thus, the Tamils remain unconvinced of his credibility to bring justice to the Tamil people through a domestic mechanism.

According to international standards a spectrum of a person's rights have been breached, including the right to health, the right to information, the right to privacy, the right to decide on the number and spacing of children, the right to found a family and the right to be free from discrimination. The UN Security Council should refer Sri Lanka to International Criminal Court for investigation and prosecutions into war crimes, crimes against humanity and genocide.

PRI President, Steve Mosher, says, *"Forced contraception and sterilization are nothing short of acts of genocide. Sadly, these are regular occurrences in the island nation of Sri Lanka."*

Recommendations:

An international investigation into enforced birth control as a tool of genocide against the Tamil people by the Sri Lankan state must be initiated and immediate measures taken to protect the Tamil people from this heinous crime.

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*British Tamils Forum (BTF), an NGO without consultative status, also shares the views expressed in this statement.

[9] http://www.np.gov.lk/pdf/CSCluster/Statistical%20Information%20-%202014.pdf
[10] http://www.np.gov.lk/pdf/Statistical%20InformationNPC-2013.pdf

United Nations A/HRC/28/NGO/95

General Assembly

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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03365 (E)
1503365

Please recycle

Religious Freedom in India and Pakistan

Situation in India

The growing influence of Hindu nationalists in India is leading to a targeted marginalization of Christians and Muslims and to a general climate of intimidation and violence against other faiths. India's democracy is at a crossroads. If Prime Minister Narendra Modi fails to take action against the Hindu extremists, India's reputation as a nation of law is at stake. More and more often, churches or mosques are burned down – and people of other faiths are forced to convert to Hinduism. Christians and Muslims in India are not only demanding better protection, but also clear words and actions of the Prime Minister to ensure religious freedom in Asia's largest democracy.

In the beginning of February 2015, Hindu nationalists had gotten worldwide attention for announcing plans to forcibly marry couples who show themselves in public on Valentine's Day. The absurd suggestion was made by the party Akhil Bharatiya Hindu Mahasabha. They received a lot of attention, but mostly mockery and criticism. On social media platforms, there were enthusiastic comments from homosexuals – as well as jokes about a possibility to avoid elaborate wedding ceremonies and dowries. Nonetheless, the political party is extremely dangerous because it propagates hate speech. Previously, the party had gained attention by calling Muslims and Christians "infidels", by labeling scantily clad Bollywood-actresses as "prostitutes" and by stating to want to build a monument for the killer of India's founder Mahatma Gandhi.

Because the government prefers to remain silent, the Hindu nationalist movements Rashtriya Swayamsevak Sangh (RSS) and Vishva Hindu Parishad (VHP) – which are close to Modi's Bharatiya Janata Party (BJP) – feel encouraged in their attempts to exclude other faiths and to practice forced conversions. In December 2014, RSS-members had forced 57 Muslim families to convert to Hinduism. Throughout the country, members of other religions feel under pressure to convert to Hinduism – and there are attacks on churches and mosques. Since January 2014, there were at least 149 attacks against Christians in India. In more than half of the cases, the Christians were threatened, intimidated or forced to convert. About a quarter of these incidents were physical attacks against Christian institutions or people of Christian faith. Muslims were falsely accused of trying to force Hindu women to convert to Islam in a campaign called "Love Jihad". The nationalists demanded that 100 Muslims should be converted to Hinduism for every single Hindu who is forced to convert to Islam.

Situation in Pakistan

In Pakistan, the situation of the non-Sunni religious communities is catastrophic. De facto, the minority groups are severely restricted in their constitutionally guaranteed right to freedom of religion."

The blasphemy laws are turning the lives of the Christians, Ahmadiyya Muslims and Hindus in Pakistan to hell – and they are an invitation to kill people. As a member of the UN Human Rights Council, Pakistan is not allowed to promote the exclusion of religious minorities. The principle of religious freedom must be respected! If Christian faith is treated as a crime and if the Muslim state treats members of other religious communities as criminals, the international community shouldn't look the other way any longer."

In the town of Kot Radha Kishan, an angry mob had killed the Christian couple Shama and Shezhad and burned their bodies on Tuesday. The pregnant woman and her husband were suspected of having dishonored the Quran. Since 1990, at least 54 people have already been killed in Pakistan on suspicion of blasphemy. About 1,400 blasphemy-trials were initiated since the introduction of the controversial criminal law in 1986.

While there was only one blasphemy-trial in 2001, the number rose to 80 in 2011 – and 27 cases were registered for 2012. In 2013, 34 people were charged with blasphemy in Pakistan. The cases often end up with long prison sentences or even the death penalty. However, none of the death sentences has yet been enforced. On November 8, 2010, the Catholic Asia Bibi was the first woman in Pakistan in Pakistan's history to be sentenced to death for blasphemy. On October 16, 2014, the High Court of Lahore confirmed the death sentence against the mother of five.

Since the beginning of 2013, Sunni extremists murdered more than 400 Shiite Hazara. Ahmadiyya Muslims have to fear for their lives if they try to practice their faith – while Hindus are excluded from society and often become victims of the conflicts between India and Pakistan

Society for Threatened Peoples calls on the Human Rights Council to call on the government of India to:
- Ensure the freedom of religion
- Ensure the security of members of religious minorities
- Bring to trial the perpetrators of religious violence

Society for Threatened Peoples calls on the Human Rights Council to call on the government of Pakistan to:
- Ensure the freedom of religion
- Ensure the security of members of religious minorities
- Abolish the controversial blasphemy laws. This would be a clear sign to all extremists, that the Pakistani government is serious about protecting the religious minorities.
- Bring to trial the perpetrators of religious violence

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Nazra for Feminist Studies, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Escalation in the Targeting of Women Human Rights Defenders (WHRDs) under the Current Egyptian Government

The current government of the Egyptian state continues to witness grave violations against women in the public space. Women human rights defenders (WHRDs) in Egypt continue to face impediments in their everyday activism and are neither protected nor enabled to carry out their legitimate work. Targeting WHRDs is part of continuous attempts by the current Egyptian government (similar to previous governments) to expel women from the public sphere. The documented violations committed against WHRDs include arbitrary detention, beatings, dragging, attempted strangling, sexual assault and violence in an attempt to strip women, threaten them with rape during detention, insults of a sexual nature, and all manners of degrading and inhumane treatment.

An emblematic case is that of the seven WHRDs (Ms. Sanaa Seif, Ms. Yara Sallam, Ms. Hanan Mustafa Mohamed, Ms. Salwa Mihriz, Ms. Samar Ibrahim, Ms. Nahid Sherif (known as Nahid Bebo) and Ms. Fikreya Mohamed (known as Rania El-Sheikh) arrested on 21 June 2014 for protesting peacefully against the Protest and Public Assembly Law (No. 107 issued on November 24, 2013). They were sentenced to three years imprisonment, 3 years monitoring and a fine of EGP 10,000 (USD 1398.60) by the Heliopolis Misdemeanor Court on October 26, 2014, and the Abbasia Appeal Court reduced the sentence to two years imprisonment and 2 years surveillance on December 28, 2014.

Other tactics to punish WHRDs is the issuance of travel bans, such as that issued against prominent WHRD Esraa AbdelFattah on January 13, 2015, who did not know she had a travel ban issued against her, and found out about it by coincidence when she was in the airport traveling to Germany.

The most recent case is that of WHRD Shaimaa ElSabbagh, who was killed during a peaceful protest on January 24, 2015 on the eve of the 4th anniversary of the January 25th revolution, comprising of 20 - 30 protesters commemorating the martyrs of the revolution. Ms. ElSabbagh was shot by bird pellets in the back, which led to severe bleeding in her chest cavity due to laceration of the heart and lungs, as stated in the Forensic Medicine Administration's autopsy report. Azza Soliman, WHRD, Lawyer and the Head of the Trustees Board in the Center for Egyptian Women's Legal Assistance (CEWLA), witnessed the incident and when she voluntarily went to testify at the Prosecutor's Office, she herself was turned into a suspect and charges were directed at her that include rallying and participating in a demonstration that jeopardized public security.

Moreover, on the 25th of January 2015, 80 activists were arrested, including Gamila Serry El-Din, who has been detained ever since. In addition, , a shocking lifetime imprisonment verdict and a fine of 17 Million Egyptian Pounds (USD 2,229,215.84) was issued on February 4, 2015 in the case known as the Ministerial Cabinet Case, which its incidents date back to December 16 - 20, 2011 which included the infamous "blue-bra girl" incident, where among the 230 against which the verdict was issued are 8 WHRDs, including Hend Nafe', who is a staff member at Hisham Mubarak Law Center, and the Founder of "Watan Bila Ta'zib" (A Nation Free of Torture), in addition to a female minor among 38 minors who were sentenced to 10 years imprisonment.

Another example of the increasing verdicts against WHRDs is the one issued on the 9th of February, 2015, by El Raml Misdemeanor Court in Alexandria governorate against WHRD and Lawyer Mahienour El-Massry along with other 9 activists from Alexandria to two years in prison and bail amounting to 5000 EGP (655.37USD) to suspend the verdict, over charges that include: Attacking and causing injuries to the police officers of El Raml Police Station; Breaking into the police station; Destruction of some of its contents; Disabling work flow along with terrorizing and intimidating citizens" in March 2013. Nevertheless, Ms. El-Massry is not detained.

It is also important to highlight that women's existence in the public space in general has become increasingly threatening, as 14 year-old Hala ElHebeshy was killed as a result of the attack of the security forces on Zamalek Football Club Fans by tear gas, on 8th of February, 2015, outside the Air Defense Stadium, who had went to attend a football match.

Sexual violence against women in the public space is another grave problem. A national strategy to combat violence against women has been announced but we emphasize the importance of adopting a comprehensive and holistic national strategy that includes the Ministries of Interior, Justice, Health and Education and the necessity of gender budgeting in its implementation. Meanwhile, articles relating to crimes of rape, sexual assault and harassment in the Penal Code (Articles 267, 268, 269 and 289) are currently deficient in nature and do not address the epidemic of sexual assault as well as rape, crimes that have become rampant in the Egyptian public space. It fails to address the rights of the survivors of these crimes and to protect them after reporting a crime and to ensure that it doesn't reoccur. While the Penal Code recently defined and addressed sexual harassment in the new amendment to Article 306, the amendment is insufficient in its scope and the article is limited in nature and only considers a crime sexual harassment if the intent of the perpetrator is proven to be related to obtaining sexual benefits. The government continues to fail to prosecute perpetrators of these crimes or hold them accountable, whether the perpetrator is a normal citizen, policeman or soldier. With the exception of the Tahrir mob-sexual assaults and gang rapes in June 2014 during the inauguration of President AbdelFattah ElSisi, no one has been held accountable for crimes committed since November 2012.

Accordingly, Nazra for Feminist Studies would like to make the following recommendations to the Egyptian government and the international community:

1. The Egyptian government must act in accordance with the standards of the UN Declaration on Human Rights Defenders and introduce national legislation to protect them from state and non-state actors, to recognize and enable their work.

2. The Protest and Public Assembly Law No. 107 issued in November 2013 needs to be revised, to allow the space for WHRDs to carry out their legitimate work in defending human rights, especially that this law is unconstitutional.

3. The Egyptian authorities need to take all measures to proceed with the processing of the Ittihadia Presidential Palace case in which 7 WHRDs have been sentenced as outlined above, at the Court of Cassation as quickly as possible to revoke the issued verdict.

4. The Egyptian authorities need to immediately and unconditionally revoke the travel ban issued against WHRD Esraa Abdel-Fattah, and to publicly announce the names of human rights defenders, WHRDs and activists against whom a travel ban is issued, in addition to publicly announcing the reason behind the concerned bans and the legal basis on which they are issued, and whether there are any charges directed at them or not.

5. The Egyptian government must conduct a prompt and thorough investigation to identify who shot Ms. ElSabbagh and bring the perpetrator to account; conduct an investigation into the violation of the Protest and Public Assembly Law No. 107 issued on November 24, 2013, which clearly states that security forces warn protesters before dispersing them, and that dispersal is carried out in stages starting with water hoses, followed by the use of batons if demonstration participants are unresponsive to warnings issued; demands the immediate quashing of charges directed at witnesses, such as that directed against WHRD Azza Soliman; and conduct thorough investigations for all crimes related to the killing of protesters since the uprising on January 25, 2011, through transitional justice mechanisms that would ensure accountability of real perpetrators and redress.

6. Reform the penal code to punish all forms of violence against women and ensure its implementation to ensure women's access to justice.

7. Enact a holistic and comprehensive national strategy to combat violence against women and legislation that should contain provisions for its effective implementation through gender budgeting, evaluation and monitoring, in addition to publishing it in a transparent manner and consulting feminist groups and organizations that had called for its design and issuance.

8. Investigate sexual violence violations committed against women since November 2012 and prosecute those responsible.

9. Enact legislation to mandate the regular collection of statistical data and research to ensure an adequate knowledge base for effective implementation and monitoring.

10. Call on the international community to push the Egyptian authorities to initiate a process that genuinely incorporates a transitional justice mechanism, that holds real perpetrators accountable and both recognizes the important human rights activism conducted by WHRDs, and ensures their protection.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

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1503368

Please recycle

Rights of Minorities in annexed Crimea deteriorating

Nearly one year passed since the Russian Federation annexed Crimea. Since then the protection of the rights of the minorities there deteriorated. The authorities have particularly targeted Crimean Tatars, a Muslim ethnic minority in the Crimea peninsula who openly opposed the Russian annexation.

Crimean Tatars make up 15% of the population on the peninsula. The authorities have barred Mustafa Dzhemilev, long-time leader of the Crimean Tatars and Refat Chubarov, president of the self governing body Mejlis from entering their homeland. The authorities have also accused Mejlis of "extremism", harassed and persecuted its members and sealed its office in Simferopol.

On January 29th the Mejlis deputy head, Achtem Chyygoz, was detained on charges of 'organizing and taking part in mass disturbances'. Not only is there video footage demonstrating that Chyygoz tried to calm protesters, but the demonstration in question took place on Feb 26, 2014, the day before Russian soldiers seized control and weeks before Russia annexed the peninsula. Chyygoz is accused in connection with two persons dying during the protest. At the time one of the victims was reported to have died of a heart attack. Even if it were proven that both deaths were a direct result of the demonstration, the charges seem unrelated to the person arrested. Moreover the Russian criminal code was not in place at the time of the event, which is why, if there are any offences they should fall under Ukrainian prosecution.

Human Rights organizations and the Mejlis of the Crimean Tatar people have made clear that the arrest of Chyygoz is a further severe harassment of the minority. His house was searched on January 30th. On February 6th the Crimean Supreme Court upheld the detention of Chyygoz. After the court hearing his relatives for two days were not informed about his place of detention. Only on February 9th they were told that he is held in a single cell in the SIZO – investigation detention center. On February 7th, Eskender Kantemirov, another Crimean Tatar activist and participant of the protests on February 26th 2014, was arrested on the same charges.

Sinaver Kadyrov, a long time Crimean Tatar activist and founder of the "Committee for the Protection of Rights of Crimean Tatars" was deported from Crimea. On January 23rd he was on his way to Kherson, in southern Ukraine, in order to fly to Turkey for medical treatment. Kadyrov was accompanied by Eskender Bariev and Ambedijt Suleymanov, both prominent Crimean Tatar activists. They were stopped at the Armyansk check point. The guards took their passports and told them to wait. While Bariev and Suleymanov were allowed to wait in their car, Kadyrov was held in a little room and later told that he had violated Russian law. He was taken to Armyansk for a court hearing. The judge found that Kadyrov had overstayed Russia's 90-day limit for foreigners who are allowed to enter Russia under visa-free agreements and ordered him to be expelled from Crimea. The background of this court decision is the Russian policy of "passportization" granting Russian citizenship to Crimea residents. After April 18th 2014 all Ukrainian passport holders who resided in Crimea were deemed Russian citizens. Those who wanted to hold on to their Ukrainian passports were effectively made foreigners. Kadyrov had taken no action on his citizenship. But still he was treated as if a foreigner. In other cases, for instance that of prominent Ukrainian film maker, Oleh Sentsov, Russian authorities claimed that he was Russian, detained him in Crimea and sent him to a prison in Moscow. This shows that the law on citizenship is applied arbitrarily to suit the interests of the Russian authorities.

The editor of the Mejlis newspaper Avdet received "anti-extremism" warnings and the paper was threatened with closure. In the end of January 2015, armed "OMON" special forces raided the only Crimean Tatar TV channel ATR in Simferopol. The channel staff was detained and later released, equipment confiscated, the archive of the channel taken away. Crimean Tatars, who gathered in front of the building in support of ATR, were threatened with legal proceedings because their protest was not approved by the authorities. The OSCE Representative on Freedom of the media slammed the incident as a "clear intrusion of media independence".

The Crimean Tatar minority has been targeted systematically. Crimean Tatar politicians and activists as well as religious dignitaries were especially in danger of being harassed: their homes were searched, mosques and Muslim schools raided, schools and libraries searched, people disappeared, others were arrested. Also persons opposing the annexation were discriminated against. The population feels isolated as there are no international organizations present on the peninsula. Also human rights organizations are only frequently on Crimea to monitor and document human rights violations.

That is why Society for Threatened Peoples calls on the Human Rights Council to call on:

The government of the Russian Federation to:

- Release Achtem Chyygoz
- Reestablish the right to enter Crimea for Mustafa Dzhemilew, Refat Chubarov and Sinaver Kadyrov
- Stop the discrimination of the indigenous Crimean Tatar population on the peninsula

UN bodies to:

- Establish international and independent human rights monitoring mechanisms on Crimea
- Monitor the trial of Achtem Chyygoz
- Activate UN Special Procedures, especially the UN Special rapporteur on indigenous issues as well as the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Crimea

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the France Libertes : Fondation Danielle Mitterrand, American Association of Jurists, Emmaus International Association, non-governmental organizations in special consultative status

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Please recycle

The Guatemalan government does not honor its obligations in terms of rights to security, to liberty, to well-being and to access to health and education for people in the Laguna del Tigre, Petén*

According to reports of the organizations in the Petén and testimonies of community leaders from Laguna del Tigre, declared protected area in 1989, the Guatemalan State does not guarantee access to health care, education and drinking water nor the legal security of peasant communities living in the area. At the same time, since 1985 it has allowed oil production in the area. Since 2010 the Guatemalan government encourages the development of the oil industry and has accordingly encouraged changes in the 2007-2011 management plan for the Laguna del Tigre National Park.

However, in Article 25 of the Universal Declaration of Human Rights recognizes everyone's right to a "standard of living adequate for the health and well-being of himself and of his family" and in Article 26 proclaims the right to education as a fundamental right. Moreover, according to Article 9 of the International Covenant on Civil and Political Rights, "everyone has the right to liberty and security of person". Also the International Covenant on social, economic and cultural rights, ratified by Guatemala, affirms, in its article 2, that people "should not be deprived under any circumstance of their own means of living".

These fundamental rights are strengthened by their presence in various instruments of international human rights law such as Convention n°169 on Indigenous and Tribal Peoples - International Labor Organization. Recognition of these rights is noted in resolutions voted by the UN General Assembly : A/RES/64/292 on the human right to water and sanitation, A/RES/64/215 on legal empowerment of the poor end eradication of poverty, A/RES/64/196 on harmony with nature, and A/RES/64/163 on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,.

These rights are also underlined in the Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya, A/HRC/24/41, as well as in the UN Guiding Principles on Business and Human Rights, adopted by the Human Rights Commission in 2011.

Guatemala ratified the Ramsar Convention on Wetlands in 1990. In the frame of this Convention, the Laguna del Tigre National Park is also registered in the Montreux register (1993) which lists wetlands of international importance especially threatened by human intervention. In addition, the renewal of Perenco Guatemala Limited's 2-85 operating contract goes against Decree 4-89 implementing the Protected Areas Act because it broadens its operation area. In legal action brought before the Constitutional Court by CONAP on the 5th of October 2010, it is stated that "there is no socio-environmental impact assessment in this area; there is no monitoring by institutions [State] of the evaluation of these impacts". It is also recalled that existing assessments have been financed by the company itself and not by an independent body. Finally, "the Decree 5-90 expressly states the incompatibility of this oil industry with the conservation area"[1].

First of all, the State of Guatemala threatens some peasant communities with expulsion because of the incompatibility of their subsistence farming with protection of the area[2]. Yet in 2010, Perenco Guatemala Limited's oil exploitation contract 2-85 of Xan well was renewed for 15 more years[3].

At present, six communities in Laguna del Tigre and Sierra Lacandón are threatened with eviction: Laguna Larga, La Mestiza (both subjected to daily military presence), El Reloj, Estrella del Sur, El Guayaca and La Revancha[4]. Prior information principles are not respected during evictions and inhabitants are evicted by force and violence by the

[1] Plea in front of the Constitutional Court, presented by CONAP, on the 5th of October 2010.
[2] Decree 4-89 Protected Areas Act, which outlines the dangers of human activity in protected areas.
[3] Ministerial Agreement No. 214-2010.
[4] Interviews with community leaders.

"infantry battalion of the jungle", called the "green batallian", which is financed by Perenco Guatemala Limited and guided by the National Council for Protected Areas (CONAP), without any rehousing plan. Since 2009, 600 families have been evicted from the area without being rehoused. They now find themselves without access to land, education and health[5].

In addition, peasant farmers are regularly threatened or attacked in order to push them to concede their land to multinational companies. This was the case of Elias Borjas, shot dead by military forces on 31 January 2014[6]. From 2009 to 2013, the Laguna del Tigre communities report 5 killings.

For communities who are still settled in the area, access to fundamental rights is not ensured. CONAP prohibits residents to carry equipment necessary for the construction of schools and health centers. The ferry to cross the river and to access the nearest health center is managed by Perenco Guatemala Limited and operates from 8 a.m. to 5 p.m., which further accentuates the isolation of communities and constitutes a restriction on their right to mobility.

Moreover, the presence of oil extraction wells in the area generates water pollution and health impacts. The La Libertad refinery's industrial activities and water pollution appear to cause many diseases among inhabitants such as headaches, chronic stomach aches, pimples, itching, allergies etc. that did not exist before the refinery's installation. The nearest healthcare center believes that, the 50% of children born with respiratory problems and 30% of pregnancies ending in stillbirth are due to water pollution.,

Contrary to what is laid down by national and international regulations signed by Guatemala, the government does not sanction Perenco Guatemala Limited for its inaction concerning limiting the environmental and health impacts of its operations. During periods of heavy rain, the oil pipeline, when underwater, is damaged: paint and oxides covering the pipline, , leak into the lagoons used by inhabitants as water resources. When water retreats, company employees paint the pipeline again, thus perpetuating the problem for the following winter. Moreover, on the last oil leak of well 41 on 15th November 2013, the oil that had leaked into the soil and water was in some places covered by a thin coat of earth, making the soil unsuitable for farming and causing death of livestock, poisoned by water. Vista Hermosa community, with over 100 families, was particularly affected because it is installed near the area where Perenco Guatemala Limited has installed its Xan operating wells.

We demand that the Guatemalan State:

- Amend laws regarding land use so that they comply with Guatemala's obligations on human rights;
- Strengthen the role of CONAP, providing it with a real power of veto over approval of oil projects;
- Suspend evictions of communities living in the area;
- Put a system of compensation and rehousing plan into place, as well as fair and transparent compensation for harm suffered by evicted communities;
- Provide an independent and coordinated body to monitor the oil industry, in particular focusing on the industry's impact on human rights;
- Ensure Petén's population's access to fundamental rights to food, education and health ;
- Take into account the results of popular consultations organized by indigenous communities.

Our organizations call upon:

- The Special Rapporteur on the rights of indigenous peoples

[5] Observations at previous missions to Collectif Guatemala's report "Perenco: exploit oil whatever cost", 2011
[6] Interviews with community leaders.

- The Special Rapporteur on the situation of human rights defenders
- The Special Rapporteur on the human right to safe drinking water and sanitation
- The Special Rapporteur on the right to education
- The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context
- Working Group on the issue of human rights and transnational corporations and other business enterprises to pay special attention to the serious and recurrent violations of human rights in the Laguna del Tigre National Park.

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*CCFD - Terre solidaire, an NGO without consultative status, also shares the views expressed in this statement.

United Nations A/HRC/28/NGO/99

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Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the International Humanist and Ethical Union, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03444

1503444

Please recycle

Freedom of Assembly, Association and Expression in Mauritania: The Plight of Anti-Slavery Activists

The International Humanist and Ethical Union (IHEU) is deeply concerned about reports it has received from anti-slavery human rights activists in Mauritania regarding their detention and ill-treatment at the hands of the authorities in the country.

On the 7th November 2014, a number of activists from the Initiative for the Resurgence of the Abolitionist Movement (IRA-Mauritania) formed an anti-slavery convoy that visited rural villages in order to raise awareness about land rights for people of slave descent (land slavery) and inform those susceptible to exploitation of their rights[1]. On the 11th November, those involved were attacked by riot police, arrested, and imprisoned for their participation in the convoy; it was reported that the police used tear gas and stun grenades against them[2]. IRA-Mauritania's headquarters were closed down and the activists were held in different detention centres in the southern city of Rosso, without access to their phones or visits from their families.

Amongst those arrested were Biram Ould Dah Ould Abeid (President of IRA-Mauritania and runner-up in the 2014 Presidential election)[3], Djiby Sow (President of the NGO Kawtal) and Brahim Bilal Ramdhane (Vice President of the IRA). Abeid maintains that he was not in fact part of the convoy[4]. In January 2015, the three men were sentenced to two years' imprisonment for inciting violence, disturbing public order, offending members of the authorities and being members of an unregistered organization[5]. Seven other activists were acquitted. Those protesting the judgements outside the court at the time were dispersed using tear gas and batons[6]

An estimated 21 anti-slavery campaigners have been arrested following the protests and solidarity rallies elsewhere in Mauritania. This number includes Sabber Hussein, Brahim Jiddou, Baba Traoré and Yacoub Inalla, who were arrested in a Nouakchott mosque for defending the actions of IRA-Mauritania. Amongst their charges were the offences of disturbing prayers and incitement to revolt[7]. IRA-Mauritania members, Chedad Mohamed, Mohamed Vadoua and Mr Yacoub Mussa were also arrested. Currently, six IRA-Mauritania members remain in prison, awaiting trial. The Office of the High Commission for Human Rights (OHCHR) has reported that, "the conditions of detention in the places that were visited do not comply with the minimum international standards, most particularly the detention units and their ventilation"[8].

Context: Slavery in Mauritania

This recent episode is just the latest in a history of harassment, intimidation and repression by the Mauritanian authorities against those who campaign against slavery[9]. The anti-slavery activists have sought to highlight the issue of land rights for people of slave descent and rid Mauritania of its remaining slavery.

Despite a 1981 law banning slavery in Mauritania, the establishment of an antislavery agency in 2013, and the government and religious leaders denying the existence of slavery in the country, it is estimated that between 155,000[10]

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[1] https://freedomhouse.org/article/imprisoned-activist-speaks-about-slavery-mauritania#.VN3eruasXHR

[22] http://iheu.org/anti-slavery-campaigner-and-iheu-partner-faces-political-charges-in-mauritania/

[3] In December, Abeid published a letter from prison. The text of his letter can be seen here: http://ira-usa.org/letter-from-jail-biram-demands-a-trial/

[4] http://fr.alakhbar.info/9619-0-Mauritanie-IRA-exige-pacifiquement-mais-avec-fermete-la-liberation-de-Biram.html

[5] Telephone conference, January 2015. See also http://www.lavoixdelamerique.com/content/biram-ould-abeid-parle-depuis-sa-cellule-a-voa-afrique/2519082.html and http://unpo.org/article/17712

[6] http://www.amnesty.org/en/for-media/press-releases/mauritania-jailed-presidential-candidate-and-anti-slavery-activists-must-be

[7] http://unpo.org/article/17712

[8] http://unpo.org/downloads/1156.pdf

[9] http://www.amnesty.org/en/news/mauritania-must-end-clamp-down-anti-slavery-activists-2014-11-12

and half a million[11] Mauritanians are believed to live in conditions of servitude. According to the Global Slavery Index, Mauritania has the highest prevalence of slavery in the world. Whilst, in 2007 Mauritania passed a law setting penalties of five to 10 years in prison for all forms of slavery[12], the law is hindered by its requirement that it needs to be the slaves themselves who file a legal complaint before any prosecution can occur.

A recent report by the Unrepresented Nations and Peoples Organisation (UNPO) on slavery in Mauritania highlighted the "long-standing and embedded nature of slavery in Mauritian society", grave defects in the government's Roadmap to Combat the Consequences of Slavery, and observed that "the many criticisms of slavery and slavery-like practices in Mauritania by U.N. human rights treaty bodies and other international organizations" all, to a great extent, go unheeded[13].

IRA-Mauritania has reported that often, arrested slave masters are released without charges and that money is sometimes used so that a plaintiff will drop their complaint. Human rights groups have argued that in the frequent property disputes that occur between slaves/former slaves and their masters, local authorities will favour the masters[14]. Despite the documented cases of slavery in the country, in December, Mauritania's President accused IRA-Mauritania of being an illegal group seeking to "upset stability and obtain material and moral gains"[15].

The arrest and imprisonment of Mr Abeid, leader of IRA-Mauritania, should be seen within the context of his political career. He ran in the 2014 presidential election - coming second - and had accused the government of fraud[16]. The government has been described as being fearful of the popularity of IRA-Mauritania's message[17]. It is also worth noting that since the arrests of IRA-Mauritania activists, malicious and entirely false conspiracy theories linking the group to Israel have become a feature of Mauritanian commentary[18]. Representatives of Nouakchott's largest Mosque called for the killing of Mr. Abeid for his allegedly insulting Islam in October 2014[19].

International Response

There has been international criticism of Mauritania's most recent crackdown against the anti-slavery activists in the country. The UNPO[20], the US Department of State[21], dozens of UK Parliamentarians[22], and members of the European Union[23] have all spoken out in support of the right to peaceful protest against slavery and for the release of Mr. Abeid and his colleagues. Following its most recent mission to Mauritania, the OHCHR also raised its concerns regarding the events of 11th November and the consequent detentions[24].

Internationally, the human rights work of IRA-Mauritania has been recognised; in 2013, Abeid was awarded the United Nations Human Rights Prize as well as the Front Line Award for Human Rights Defenders at Risk[25].

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[10] http://www.globalslaveryindex.org/country/mauritania/
[11] https://freedomhouse.org/report/freedom-world/2014/mauritania#.VN4yOOasXHR
[12] http://unpo.org/downloads/1208.pdf, p24
[13] http://unpo.org/downloads/1208.pdf, p.vi
[14] https://freedomhouse.org/report/freedom-world/2014/mauritania#.VN4yOOasXHR
[15] http://www.bbc.co.uk/monitoring/antislavery-group-in-mauritania-backlash
[16] http://www.crisisgroup.org/en/publication-type/crisiswatch/crisiswatch-database.aspx?CountryIDs=%7B81ACFC60-BD88-4B79-886C-33FE2C8969F5%7D
[17] http://www.menas.co.uk/sahara_focus/news/article/3708/repression-endangers-mauritania%27s-national-security/ and https://freedomhouse.org/article/mauritania-anti-slavery-activists-arrested#.VN8j_uasXHQ
[18] http://www.bbc.co.uk/monitoring/antislavery-group-in-mauritania-backlash
[19] http://www.dw.de/biram-dah-abeid-mit-wut-und-mut-gegen-sklaverei-in-mauretanien/a-18062533
[20] http://unpo.org/article/17712
[21] http://www.state.gov/r/pa/prs/ps/2015/01/236079.htm
[22] http://www.parliament.uk/edm/2014-15/634
[23] http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B8-2014-0383&language=EN, http://www.unpo.org/article/16500, and http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+P-2014-010225+0+DOC+XML+V0//EN
[24] http://unpo.org/downloads/1156.pdf
[25] http://www.frontlinedefenders.org/node/22572

Summary and Recommendations

As determined in the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights, everyone has the right to peaceful assembly, freedom of association with others, and freedom of expression[26]. The treatment of anti-slavery campaigners in Mauritania represents a clear violation of these rights.

What is particularly disturbing is not only the complete lack of regard for the basic rights to assembly, association and expression, but that the anti-slavery activists were seeking to exercise these rights in order to highlight and improve the plight of enslaved people in Mauritania – people denied their right to autonomy, full freedom and land rights.

Arbitrary detentions of anti-slavery campaigners blatantly contradict what Mauritania has claimed within the Human Rights Council; in 2013, the Mauritania representative, Mr Ould Khattra, specifically noted that, *in the context of freedom from slavery, freedom of opinion and political expression is guaranteed in Mauritania*[27]. Clearly however, there is a stark contrast between Mauritania's rhetoric at the Council and the reality on the ground in the country. Whilst the IHEU welcomes the Mauritanian government's recent legislative reforms and awareness-raising initiatives, its concurrent abuse of the rights of those defending the enslaved, ensures Mauritania continues with its ignominious place at top of the list of countries with the highest prevalence of slavery in the world[28].

The work of anti-slavery activists in Mauritania and the crucial role they play in holding the government to account in terms of its human rights obligations and commitments must be respected fully by the Mauritanian government[29].

Accordingly,

- We call on the Council to put pressure on Mauritania to release, with immediate and unconditional effect, all those imprisoned because of their peaceful protest against slavery. We also urge an end to their continuous harassment and intimidation.

- The international community needs to work with the Mauritanian Government and NGOs in order to mainstream anti-slavery initiatives, and provide funding and technical expertise to help combat slavery and its "vestiges".

- We support the recommendations for the Mauritanian government as set out by the OHCHR following its latest mission[30]. These include: Launching an official, independent and impartial investigation into the actions of the Mauritanian police during the events of the 11th November and the subsequent related events; releasing any individual detained only on the grounds that they peacefully expressed their opinion; in conformity with international standards and the articles of the penal procedure, ensuring that all registers, in all places of detention, are completed with particular attention to the physical and sanitary state of health of the detainees; guaranteeing medical care for all detainees in Mauritania, including those mentioned in this statement.

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[26] UDHR, §19 & §20 and ICCPR, §19, §20 & §21

[27] 8 CT13/035E: Report of Mauritania. See
http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/8EA20A793C8F9B90C1257C0C0
0417FE2?OpenDocument

[28] http://www.globalslaveryindex.org/findings/

[29] http://www.amnesty.org/en/news/mauritania-must-end-clamp-down-anti-slavery-activists-2014-11-12

[30] http://unpo.org/downloads/1156.pdf and
http://www.ohchr.org/Documents/Countries/MR/FinalReportMission12Dec2014.doc

United Nations A/HRC/28/NGO/100

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Human Rights Council
Twenty-eighth session
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by the International Bar Association, non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03447 (E)

1503447

Please recycle

Human Rights abuses in Sri Lankan rehabilitation camps: arbitrary detention, surveillance and intimidation[1]*

Although the civil war ended in 2009, conflict-related issues continue to affect human rights protection in Sri Lanka. A key concern in this regard is the rehabilitation process aimed at "reforming" ex-LTTE cadres. In particular, the following core human rights issues have been identified: (1) arbitrary detention in rehabilitation camps is used by the Sri Lankan Government as a means to suppress the Tamil population; (2) surveillance, intimidation and harassment continue after the release of detainees; (3) the rehabilitation process further entrenches divisions within Sri Lankan society and provides a continuous source of conflict. As such, the rehabilitation process poses an obstacle to sustainable peace and reconciliation in Sri Lanka. This submission is based on over 50 interviews conducted by Sri Lankan human rights defenders during the course of 2014.[2]

The newly elected Government of Sri Lanka has the opportunity to demonstrate its commitment to human rights by realigning national legislation and policies with the requirements of international human rights law.[3]

(1) Arbitrary detention

Rehabilitation camps were first established by the Sri Lankan Government in the late stages of the civil war. The exact location and number of camps is uncertain. The official purpose of the camps is to rehabilitate former LTTE cadres and reintegrate them into society. The legal basis for the rehabilitation camps was originally found in the Emergency Regulations of 2005.[4] Once the state of emergency ended in 2011, the relevant clauses were incorporated into the Prevention of Terrorism Act.

Despite this basis in national law, internment in rehabilitation camps constitutes arbitrary detention, as prohibited by international human rights law.[5] Detention is considered arbitrary if it includes "elements of inappropriateness, injustice, lack of predictability, and due process of law, as well as elements of reasonableness, necessity, and proportionality".[6] Moreover, it is arbitrary if the treatment of detainees does not relate to its ostensible purpose.[7]

Detention in the rehabilitation camps must be considered arbitrary for the following reasons:

(a) detainees are denied due process rights. They are incarcerated without charge, trial, access to legal representation or means to challenge their detention;[8]

(b) detention length is unpredictable and varies widely. National law allows for it to be extended for up to two years without justification. In practice, detention length often extends beyond this time;[9]

(c) the rehabilitation camps raise concerns about reasonableness, necessity and proportionality. In 2010 the International Commission of Jurists stated that the rehabilitation programme might amount to 'the largest mass administrative

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[1] The Human Rights Centre Clinic at the University of Essex undertook research and analysis in preparation of this submission. The Sri Lanka Campaign for Peace and Justice assisted with the editorial process. The International Bar Association Human Rights Institute has made the submission.

[2] In order to protect the individuals involved the identity of the activists and interviewees is withheld. The Sri Lanka Campaign for Peace and Justice has conducted a review of the findings and methodology.

[3] Sri Lanka is State party to the ICCPR, CERD, CAT, CRC and CEDAW.

[4] Emergency Regulation 2005 (as amended by ER 14462/8, 2006), Regulation 22.

[5] See e.g. ICCPR, Art. 9 [1].

[6] UN Human Rights Committee (HRC), 'General Comment 35: Article 9: Liberty and security of person' [12], March 28, 2014, CCPR/C/GC/35.

[7] HRC, 'General Comment 35: Article 9: Liberty and security of person' [12], March 28, 2014, CCPR/C/GC/35 [14].

[8] Yasmin Sooka, 'An Unfinished War: Torture and Sexual Violence in Sri Lanka 2009-2014' (March 2014), 89.

[9] Yasmin Sooka, 'An Unfinished War: Torture and Sexual Violence in Sri Lanka 2009-2014' (March 2014), 89.

detention anywhere in the world.'[10] Even those with only remote links to the LTTE were forced to surrender and more recently the rehabilitation camps have been used to detain those criticizing the Government.

(d) detainee treatment does not correspond to the camps' rehabilitative purposes. Amnesty International emphasises "the Army led people to believe that if they surrendered they would be treated leniently, provided with a short course of vocational training or even released."[11] However, detainees are often interrogated in order to extract confessions and gain information on wider social and political Tamil networks. Around a quarter of interviewees experienced torture, or cruel, inhuman or degrading treatment.

Arbitrary detention in rehabilitation camps is a clear violation of international law. Despite the seriousness of the violations, a lack of accountability persists. The absence of domestic scrutiny and limited international access to the camps reinforce a culture of impunity.

(2) Continuing surveillance, intimidation and harassment

Experiences on the ground indicate that the rehabilitation process may form part of Government-led efforts to suppress Tamil society in the North and East of Sri Lanka. Victim testimonies point to widespread and commonplace occurrences of surveillance and intimidation, which continue even after their release. Ex-detainees receive a 'reintegration certificate', which is only valid for six months at a time. They are constantly tracked and must report to the police and military, where harassment continues. For example, one witness states that "the worst thing is when I have to go to the army camp-I am not sure whether I will be coming back home". Overall, around two thirds report subsequent arbitrary detention.

Additionally, all witnesses report that the police and armed forces make regular unannounced visits to their homes. The frequency, timing and nature of these visits seem to be intended to reinforce the Government's presence in daily Tamil life. The following excerpts illustrate the reality of the situation:

> "I have not counted - but sometimes I note this down in my diary - they would have come at least 50 times in that one year."

A significant proportion of witnesses state that visits regularly occur in the middle of the night. One witness explains, "sometimes they will come when my husband is not at home. Sometimes they come in the night."

This intimidation and uncertainty cause fear and anxiety among the victims and their families. Furthermore, the visits lead to friction with neighbours and disrupt ties within their communities. Victims therefore find it difficult to recover from their experiences in the rehabilitation camps. As stated by two former detainees:

> "When they come and inquire from us often it is difficult for us. They ask us to forget the past. But even when we have forgotten they come and remind us and get the information."

> "They will write down all the details as to what I am doing, where I went recently and where I am working. They will take a photograph. [...] my family members are also scared the next day [...]. Sometimes I think it would be better to take some poison."

(3) Obstacles to a just and sustainable peace

The previous sections demonstrate that the rehabilitation process not only affects the victims and their families, but also has a wider impact on Sri Lankan society.

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[10] International Commission of Jurists, 'Beyond Lawful Constraints: Sri Lanka's Mass Detention of LTTE Suspects' (September 2010), 5.

[11] Amnesty International, 'Locked Away: Sri Lanka's Security Detainees' (March 2012), 38.

First, the secrecy and brutality associated with the camps, and the subsequent harassment, foster a general climate of oppression and fear. Tamils feel that the purpose of the rehabilitation process goes beyond controlling the LTTE and instead aims at supressing wider Tamil society. This contributes to a feeling of persecution and discrimination. The constant surveillance and fear of reprisals prevent Tamils from openly speaking out. All of this restricts not only their freedom of expression, assembly and movement, but also their political participation.

Second, the camps discourage trust in the Government and result in a lack of faith in the political and legal system. Impunity has become systematic and institutionalised. The human rights violations experienced by the Tamils are neither acknowledged nor investigated. Consequently, victims are denied any means of redress. Perpetrators have not been punished and many remain in positions of power, including the armed forces and police.

Third, the Government has claimed its military defeat of the LTTE to be a comprehensive success. This feeds into the portrayal of the Sinhalese as the "protectors of Sri Lanka" and strengthens Sinhala nationalism.[12] Ethnic divisions are further entrenched, which negatively impacts social cohesion on a long-term basis and poses an obstacle to lasting peace and reconciliation.

Recommendations

Since the end of the civil war, Tamils in the North and East have experienced little positive change. With the new Government, hope arises for an improved approach towards human rights in Sri Lanka. One of the most meaningful tests for Sri Lanka's new administration will be how it deals with the Tamil population, political opponents, and the survivors of the camps.

In light of the above the Government of Sri Lanka is urged to:

- Repeal anti-terror regulations, abolish the system of administrative detention and end practices of arbitrary detention
- Guarantee due process rights, including redress, and release all individuals unlawfully deprived of their liberty;
- End impunity by effectively investigating allegations of human rights violations, identifying and punishing the perpetrators
- Cooperate with the recommendations of the forthcoming OISL report and ensure that any domestic mechanisms of accountability meet international standards.

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*The Sri Lanka Campaign for Peace and Justice, an NGO without consultative status, also shares the views expressed in this statement.

[12] Report of the Secretary General's Penal of Experts on Accountability in Sri Lanka (March 2011), 8

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Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Foundation ECPAT International (End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

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Please recycle

The right of children to be protected from all forms of online sexual exploitation

I. Introduction

1. ECPAT International appreciates the opportunity to make a written statement to the UN Human Rights Council under Agenda Item 3 during its 28th session in March 2015. ECPAT welcomes the recent report of the UN Special Rapporteur on the sale of children, child prostitution and child pornography[1] and the Annual Report of the Special Representative of the Secretary-General on Violence against Children Report.[2] ECPAT urges the Human Rights Council to endorse the recommendations of the Special Rapporteur and take forward the 'multi-faceted digital agenda' proposed by United Special Representative to the Secretary-General.

2. As more children gain access to the Internet and information communication technologies develop, it cannot be disputed that an increasing number of children are also becoming victims of online sexual exploitation.[3] ECPAT recognizes that there must be effective and robust safety programmes to protect children from online risks: 'a safe and empowering digital agenda' will strike the right balance between children's ability to benefit from the Internet and online safety.[4] ECPAT welcomes all such initiatives as an important contribution to the protection of online children.

3. To effectively combat online sexual exploitation of children, however, States cannot and should not rely on child online safety strategies alone: there must be a specific set of measures that addresses the complex and evolving nature of child sexual exploitation online. Rapidly developing technologies have and continue to enable Internet users to engage in sexual abuse of children with relative impunity. Priority must be given to protecting all children – connected and unconnected – from sexual abuse online.

II. Children at highest risk are often 'unconnected' with little or no access to ICTs

4. Most child online safety programmes target the child who is connected to the Internet, assuming that children online will be at highest risk of violence as a result of their interpersonal interactions or at-risk behavior.

5. In fact, many of the children who are at highest risk of being subjected to sexual exploitation online are not connected to the Internet. Children at highest risk are often those who do not even have access to the information communication technologies that are enabling their abuse. Such children live in remote rural communities, in shelters, on-the-street or are part of under-privileged or marginalized communities. It is the circumstances of the child, not their connectivity, which places them at-risk of being subjected to sexual exploitation.

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[1] UN Special Rapporteur on the sale of children, child prostitution and child pornography, Maud de Boer-Buquicchio, 'Report of the Special Rapporteur on the same of children, child prostitution and child pornography, UN Doc. A/HRC/28/56, 22 December 2014, para 85 – 89 ('UNSR Report').

[2] United Nations Special Representative to the Secretary-General, 'Annual Report of the Special Representative of the Secretary-General on Violence against Children,' UN Doc. A/HCR/28/5, 30 December 2014, para 83-117 ('UNSRSG Report').

[3] UNSRSG Report, para 47-48.

[4] UNSRSG Report, para 50.

6. More than 50 per cent of children continue to have no access to the Internet or other ICTs. According to the International Telecommunications Union (ITU), at the end of 2014, Internet usage had only reached 40 per cent globally, leaving 60 per cent of the world's population with no access. Among those unconnected, more than 90 per cent live in developing countries. In Africa alone, 80 per cent of the population does not have Internet access. It is estimated that 78 per cent of those connected are based in developed countries.[5]

7. Child online safety programmes do not reach these 'unconnected' children, often overlooking them as at-risk populations. Moreover, because much of the online safety programming is concentrated on connected children, most of these programmes are focused in developed countries where the majority of online-children live. Failing to reach out to unconnected populations means the children at highest risk of online sexual exploitation are left with little or no protection.

III. Often, first contact is not made online

8. In many cases, first contact by a perpetrator is not made online. The Inter-American Children's Institute (IIN), a specialized entity of the Organization of American States, revealed that in Costa Rica and El Salvador many online sexual perpetrators initiated first contact through public advertisements for models on television. In Guatemala, the Ombudsman office noted that in several cases involving the production of child sexual abuse materials, victims had been first recruited as masseurs and masseuses through ads in local newspapers. The ECPAT Dominican Republic member, MAIS, reported that children were often recruited in schools to produce sexual abuse materials.[6] In the Philippines, where live streaming of sexual abuse of children has enabled perpetrators to view abuse online in real time, child victims have often been recruited by a family member or an intermediary either adult or peer offline.[7]

9. Thus, the likelihood of a child being subjected to sexual exploitation online is not necessarily correlated with connectivity to Internet. A protection strategy must target children based on their likelihood of being subjected to sexual exploitation or abuse online – not their connectivity. To the perpetrators of sexual exploitation, all children are a commodity for potential abuse

IV. The evolving nature of sexual exploitation of children online

10. The criminal offence of child sexual exploitation online is rapidly mutating and evolving. Originally confined to the production, dissemination and possession of child abuse images (e.g. photographs and videos) it now includes other mediums such as live streaming of child sexual abuse, and other modalities such as 'sextortion'.[8]

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[5] Internet Telecommunication Union, 'The World in 2014, ICT fact and figures,' 2014. Last accessed: 10 February 2014 , <http://www.itu.int/en/ITU-D/Statistics/Documents/facts/ICTFactsFigures2014-e.pdf>

[6] "The Commercial Sexual Exploitation of Children in Latin America. Developments, progress, challenges and recommended strategies for civil society." ECPAT International. Bangkok. November 2014. Last accessed: 11 February 2015, <http://ecpat.net/sites/default/files/Regional%20CSEC%20Overview_Latin%20America%20%28English%29.pdf>

[7] "Webcam Child Sex Tourism – Becoming Sweetie: a novel approach to stopping the global rise of Webcam Child Sex Tourism", Terre des Hommes Netherlands, November 2013. Last accessed: 10 February 2015, <http://www.terredeshommes.org/wp-content/uploads/2013/11/Webcam-child-sex-tourism-terre-des-hommes-NL-nov-2013.pdf>

[8] "Sextortion is often defined as sexual blackmail in which sexual information or images are used to extort sexual favours and/or moneyfrom the victim". Interpol, 'Interpol-coordinated operation strikes back at 'sextortion' networks', 2 May 2014. Last accessed: 16 February 2015, <http://www.interpol.int/News-and-media/News/2014/N2014-075>

11. To effectively investigate and successfully prosecute child sexual exploitation online, law enforcement agencies must understand perpetrators' behavior not only to secure evidence of the alleged crime, but also to locate and rescue victims. It is equally important that States have mechanisms in place to monitor how perpetrators are adapting technology to enable the production, dissemination and possession of online sexual abuse materials.

12. Many child online safety programmes focus on understanding children's behaviour online, in order to tailor a programme that maximizes their safety. While this is important, without more emphasis on understanding the evolving modalities of sexual exploitation online and indeed predators' changing *modus operandi*, perpetrators will continue to evade detection, investigation and prosecution for these crimes.

V. Access to justice, remedies and reparations for child victims

13. As noted above, the emphasis of child online safety programmes has largely centered around mitigating risk.[9] While this is important, child victims of sexual exploitation also require access to justice, remedies and reparations. A child who has been subjected to sexual exploitation online is a victim of a rights violation and entitled to remedy and reparations under international law. This requires a targeted response from the State not only in the justice system but also in providing specific services and programmes to enable child victims to recover from their trauma and rebuild their lives. A strategy that focuses on mitigating online risks fails to recognize the specific needs of child victims in accessing justice, remedy and reparations.

VI. ECPAT International's call for action

14. ECPAT International respectfully calls on the Human Rights Council to monitor the complex and rapidly evolving human rights situation of online sexual exploitation of children. ECPAT further calls on the Council to endorse and take action on the well-considered recommendations of the UN Special Rapporteur on sale of children, child prostitution and child pornography in her report to the Council[10] as well as to take forward the 'multi-faceted agenda' proposed by the UN Special Representative to the Secretary General on Violence against Children.[11]

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[9] UNSRSG Report, para 83 - 117.
[10] UNSR Report, para 85 – 89.
[11] UNSRSG Report, para 83 – 117.

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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Servas International, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Overcoming hate and intolerance

The adoption of the Universal Declaration of Human Rights by the United Nations General Assembly on 10 December 1948 at the Palais de Chaillot, Paris, arose directly from the experience of the Second World War. There was a broad consensus within the international community that the atrocities committed should never be allowed to happen again and that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

Nevertheless at the beginning of 2015 it seems that we couldn't be further away from this ideal. With Middle East being in turmoil, extremism and fundamentalism being on the rise and hate crimes committed in the name of religion the first months of the year have seen a dramatic polarization on all sides along with a serious degradation of international relations.

One of the sad highlights in 2015 were certainly the tragic attacks on Charlie Hebdo and a kosher supermarket in Paris, which intensified an already divisive debate over integration and immigration in a country long seen as an oasis of peace and freedom, despite the calls for moderation also by the families of the victims.

Shortly after the attacks the High Commissioner for Human Rights Zeid Ra'ad Al Hussein therefore stated: "If this attack is allowed to feed discrimination and prejudice, it will be playing straight into the hands of extremists whose clear aim is to divide religions and societies. With xenophobia and anti-migrant sentiments already on the rise in Europe, I am very concerned that this awful, calculated act will be exploited by extremists of all sorts."

His words were sadly proven right when in the aftermath of the Charlie Hebdo attacks a tragic series of attacks against French mosques took place and added to the fear of retaliation. According to the Central Council of Muslims in France more than 50 anti-Muslim incidents, including attacks on mosques, have been recorded since the Paris shootings.

The escalation following the Charlie Hebdo attacks was a dangerous continuation of a trend that had begun far before. Already between 2012 and October 2014 around 81 attacks targeting mosques were carried out in Germany, thereof 12 in 2014. This trend was similar in other countries of Europe. According to research by Ineke van der Valk more than one-third of the Netherlands' 475 mosques have experienced at least one incident of vandalism, threatening letters, attempted arson, the placement of pigs' heads, or other aggressive actions between 2004 and 2014.

At the same time also attacks against synagogues took place, such as in June 2014, in Germany and in Paris. A 2012 survey by the EU's Fundamental Rights agency of some 6,000 Jews in eight European countries found that 66% of respondents felt anti-Semitism in Europe was on the rise and 76% said anti-Semitism had increased in their country over the past five years. In the 12 months after the survey, nearly half said they worried about being verbally insulted or attacked in public because they were Jewish.[1]

Growing radicalization, fundamentalism and extremism demand a renewed emphasis of Mahatma Gandhi's ideals – both spiritual and political, as UN Secretary-General Ban Ki-moon said on 11 January 2015, pledging the ongoing commitment of the United Nations to promote tolerance, and ensure justice and dignity for all. "Divisive politics and sectarian incitement have no place in our modern world. As Gandhi reminded us, 'There will be no lasting peace on earth unless we learn not merely to tolerate but even to respect the other faiths as our own'", said Ban. He also stressed that 2015 must be a year for global action. "We must change course if we are to avoid even greater damage to ourselves and to our planet," said Ban, explaining that like the gathered leaders, he too must emphasize the importance of his mandate, and, as UN Secretary-General, he must spotlight 2015 as "most important and crucial for humanity."[2]

[1] http://www.theguardian.com/society/2014/aug/07/antisemitism-rise-europe-worst-since-nazis

[2] http://human-wrongs-watch.net/2015/01/12/growing-radicalization-fundamentalism-and-extremism-demand-renewed-emphasis-of-mahatma-gandhis-ideals/

As an organization working actively for peace since 1949 Servas International remains especially concerned about the consequences the growing divide and hate crimes may have on our societies. Servas is convinced that only the personal encounter with the other and the interaction between human beings play an essential role in overcoming cultural barriers, increasing tolerance and connecting people. Terrible actions like the Charlie Hebdo attacks and related violence therefore should not make us lose perspective of our fundamental ideals. To the contrary, in the aftermath of such atrocities, there is a further need to encourage and enable the development of increased tolerance and mutual understanding between people around the world.

Servas is an international, non-profit, non-governmental federation of national Servas groups, encompassing an international network of hosts and travelers. The purpose of the network is to help build world peace, goodwill and understanding by providing opportunities for personal contacts among people of different cultures, backgrounds and nationalities. Servas is convinced that such an exchange can contribute to the improvement of social cohesion and achieve a more just and peaceful society, setting up a linkage of people at grassroots level.

Education is another of the key factors to a better understanding of cultures. This kind of education can be provided in different ways, such as formal and informal education. To this end Servas International has created a volunteer program called the Servas Youth Language Exchange (SYLE), building upon the original concept of Servas founders in 1949, calling themselves "peace builders", which was "work-study-travel" . This program aims to develop awareness while staying for a specific time in a foreign country and working there in a local NGO.

Strengthening trust beyond differences, supporting solidarity and friendship through volunteers, can effectively contribute to eliminate racism, racial discrimination, xenophobia and related intolerance, as held in the Durban Declaration, 2001: "Cultural diversity is a cherished asset for the advancement and welfare of humanity at large and should be valued, enjoyed, genuinely accepted and embraced as a permanent feature which enriches our societies."
Servas International, as an organization, will therefore pursue its peace mission by facilitating the coming together of hosts and travelers of any race, creed, sexual orientation, class/caste or nationality. It will continue to work on overcoming barriers, bring people together and in the most practical way apply the words of the High Commissioner for Human Rights when he concluded "We must speak of the need to love more, to care more, be compassionate more and kind, to include more and be included more, and if we are to derive anything from the vicious murders that took the lives of the people we mourn today – it is that lesson."